BEFORE THE

CALIFORNIA CITIZENS REDISTRICTING COMMISSION

In the Matter of

Full Commission Business Meeting

University of the Pacific

McGeorge School of Law

Classroom C

3200 Fifth Avenue

Sacramento, California 95817

Volume I

Thursday, June 2, 2011

9:00 A.M.

Reported by: Kent Odell

APPEARANCES

Members Present

Connie Galambos Malloy, Chairperson
Lilbert R. "Gil" Ontai, Vice Chairman
Gabino T. Aguirre
Angelo Ancheta
Vincent Barabba
Maria Blanco
Cynthia Dai
Michelle Di Guilio
Jodie Filkins Webber
Stanley Forbes
Antoine Parvenu
Jeanne Raya
Michael Ward
Peter Yao

Staff Present

Dan Claypool, Executive Director Kirk Miller, Legal Counsel Rob Wilcox, Communications Director Marion Johnston Janeece Sargis, Administrative Assistant

Consultants Present (*Via teleconference)

*George Brown, Esq., Gibson, Dunn & Crutcher Nicole Boyle, Q2 Deborah R. Davis, DGS Budget Officer Ana Henderson, Q2 Alex Woods, Q2

Public Comment

Elizabeth Rinskoff-Parker, Dean, University of the Pacific, McGeorge School of Law

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- 2 JUNE 2, 2011 9:00 A.M.
- 3 CHAIRPERSON GALAMBOS MALLOY: Good morning,
- 4 Commissioners, members of the public. Welcome to our
- 5 June 2nd meeting of the California Citizens Redistricting
- 6 Commission. We are here today in Sacramento, California
- 7 with our gracious hosts at the University of the Pacific.
- 8 We are here in the McGeorge School of Law. Today we will
- 9 be conducting a business meeting in the morning and we
- 10 will be moving into line drawing directions for our
- 11 technical consultants, Q2, later this afternoon. I'll
- 12 run through the agenda in more detail, but first would
- 13 like to establish a quorum. Ms. Sargis.
- MS. SARGIS: Commissioner Aguirre Here;
- 15 Commissioner Ancheta Here; Commissioner Barabba Here;
- 16 Commissioner Blanco Here; Commissioner Dai Here;
- 17 Commissioner Di Guilio Here; Commissioner Filkins
- 18 Webber [Inaudible]; Commissioner Forbes Here;
- 19 Commissioner Galambos Malloy Here; Commissioner Ontai -
- 20 Here; Commissioner Parvenu Here; Commissioner Raya -
- 21 Here; Commissioner Ward [Inaudible]; Commissioner Yao -
- 22 Here.
- 23 A quorum is present.
- 24 CHAIRPERSON GALAMBOS MALLOY: Thank you. I will
- 25 be presiding over this meeting as Chair, and to my left I

- 1 have Commissioner Ontai who is serving as Vice Chair.
- I would like to just walk through our agenda for
- 3 the business meeting this morning. We have three
- 4 Advisory Committee Sessions that we will be working in,
- 5 there is a slight change in the order which we will take
- 6 these, we will first start with Public Information, move
- 7 into Legal, and then end with Finance and Administration,
- 8 which should take us right up to the lunch hour. I
- 9 wanted to remind the public that we will have an
- 10 opportunity immediately after lunch for any interested
- 11 parties to make public comment, and depending on the
- 12 amount of interest in making public comment, we can
- 13 determine at that time exactly how many minutes each
- 14 presenter will have. I think it's likely that five
- 15 minutes will be available to each presenter. After
- 16 public comment, we will be joined by our technical
- 17 consultant, Q2, and we will resume our line drawing
- 18 direction process. We anticipate that this afternoon we
- 19 will be focusing on Southern California and that mid-
- 20 afternoon we will conference in a member of our team from
- 21 Gibson, Dunn & Crutcher, our VRA Attorneys, who will be
- 22 able to provide us with some legal opinions and guidance
- 23 in relation to Section 2 and Section 5 Districts in
- 24 Southern and, to some extent, Northern California, so we
- 25 will conference them in at that time, and really, we will

- 1 be going for the duration of the afternoon. There is
- 2 much to do in Southern California, and so I hope to be
- 3 adjourning around 6:00 p.m. this evening, and finally, we
- 4 would have our Communications Director, Rob Wilcox,
- 5 provide us with a brief summary of what we've
- 6 accomplished together here today.
- 7 So, with that, I would like to go ahead and pass
- 8 the agenda over I believe, would it be Commissioner
- 9 Raya who would be the lead on the Public Information
- 10 Committee?
- 11 COMMISSIONER RAYA: Good morning. And I'm going
- 12 to pass it over to Mr. Wilcox.
- 13 COMMUNICATIONS DIRECTOR WILCOX: Good morning.
- 14 So, today we're going to discuss the Communications
- 15 Strategy and Plan for the release of the Draft Maps and
- 16 to discuss four documents which we are going to be
- 17 releasing, which you received a copy of, which is 1) the
- 18 over-arching message, today we will be discussing what
- 19 will go into a more detailed narrative that will
- 20 accompany the districts, then, from that document, we
- 21 will be putting together talking points and a press
- 22 release, and I know that there was a discussion
- 23 yesterday, the idea of a press conference on June 10th
- 24 here in Sacramento, which we can discuss that, as well.
- 25 On the narrative, and also in presenting the District

- 1 Maps, some of the suggestions, 1) is that we'll have the
- 2 existing maps now, and then the draft maps, and we'll
- 3 have those in four sets, and one of the suggestions is to
- 4 shade the Section 5 Counties and bring that to attention.
- 5 So, we will give in the narrative a detailed list of
- 6 criteria, and that will be from the embedded criteria
- 7 because often we have abbreviated the criteria, but in
- 8 this narrative, it is going to be more detailed, so we
- 9 will take that right out of the Voters First Act and we
- 10 will have an explanation of the VRA Section 2 and Section
- 11 5. We should list important highlights like of the
- 12 things that the Commission has really tried to pay
- 13 attention to as far as with major mountain ranges, which
- 14 were not in breach at the Sierras, keeping coastal
- 15 communities together, inland communities together,
- 16 agriculture, keeping rural from large cities, stress the
- 17 compactness of the districts, explain the population
- 18 deviation, define communities of interest, emphasize that
- 19 these initial maps are the Commission's attempt to make
- 20 sure that they have interpreted what they have heard
- 21 correctly from California citizens. And this is a key
- 22 step in the process of making sense or making sure that
- 23 the lines that are drawn represent the interests of the
- 24 citizens, and now it is time for the citizens now to
- 25 react to those draft maps.

1	Commissioner	Rava,	did	vou	want	to	stop	there	to

- 2 or do you want me to continue with the other documents?
- 3 COMMISSIONER RAYA: Yeah. I hope that everyone
- 4 had an opportunity to at least review this or think about
- 5 this. Are there any questions or anything that you think
- 6 we have missed, that ought to be included?
- 7 COMMUNICATIONS DIRECTOR WILCOX: Yes,
- 8 Commissioner Dai.
- 9 VICE CHAIRMAN ONTAI: I am sitting in for our
- 10 Chair who has temporarily stepped out. Commissioner Dai.
- 11 COMMISSIONER DAI: Vice Chair. On the Section 5
- 12 Districts, I was wondering, I think it might also be
- 13 appropriate to include the relevant retrogression steps
- 14 and I certainly welcome any opinion from our Legal
- 15 Advisory Committee on that, that, in particularly, I
- 16 think for Latino because all four Section 5 districts
- 17 have to do with Latino retrogression, in particular,
- 18 given that we have a couple of districts where there are
- 19 some questions on the other minority groups, I don't know
- 20 if we should list those, but I wonder if that would be
- 21 useful educational statistics so people understand what
- 22 we are trying to achieve with Section 5 because Section 5
- 23 has determined, I mean, has a major constraint in how we
- 24 draw the maps and it, of course, has this ripple effect,
- 25 and so I think an attempt to educate the public for those

- 1 who might be looking at our maps and saying, "Hey, I came
- 2 and testified and you still put my community ...," that
- 3 they have a sense that we were bounded by the law to do
- 4 this.
- 5 COMMISSIONER RAYA: Could you be a little more
- 6 specific on exactly what members you would want to show?
- 7 COMMISSIONER DAI: That's why I would like to
- 8 defer to maybe Commissioner Ancheta as a thought on what
- 9 might be the most appropriate number to show.
- 10 COMMISSIONER ANCHETA: Well, I think this is an
- 11 area more general that it's some of the tension because
- 12 we, for a number of reasons, one is that it is the most
- 13 explicit use of race and ethnic status, and we can't
- 14 avoid it because it's Section 5, so we do need to explain
- 15 it at that level, 2) as Commissioner Dai mentioned, the
- 16 districts just on a visual level draw your attention
- 17 because they aren't as compact as you would normally
- 18 think we would, and if you look at the other districts,
- 19 which look much more compact, they stick out quite a bit.
- 20 So, they will require a little more explaining, you know,
- 21 I think it makes sense, depending on how detailed our
- 22 narrative overall gets, I think, it may make sense to
- 23 include some of those numbers. But we should I think
- 24 we should lead in some ways with some of the VRA-related
- 25 activities because they are the ones that will draw the

- 1 most just, again, if you know nothing about what we're
- 2 doing and you just see a picture of a map in the
- 3 newspaper and you go, "What did they do here?" Why did
- 4 they do that?" And we have to really be very clear about
- 5 what we're doing, and it's a balance between being too
- 6 technical, which some of those numbers may get a little
- 7 too technical vs. just a clear message saying we had to
- 8 take certain things into consideration, and it had
- 9 effects on surrounding communities.
- 10 COMMISSIONER DAI: That's right. That was the
- 11 reason that I suggested highlighting the Section 5
- 12 Districts because they are the ones that are going to
- 13 look funny and we just want to be clear that that's
- 14 number 2 in our criteria, and we had to start with
- 15 Section 5 and that created constraints for the rest of
- 16 the map.
- 17 VICE CHAIRMAN ONTAI: All right, Commissioner
- 18 Blanco, followed by Commissioner Di Guilio, then
- 19 Commissioner Aguirre.
- 20 COMMISSIONER BLANCO: So I'm not sure how we
- 21 would convey this, but one thing that I think is
- 22 important in sort of the overall narrative, you know,
- 23 about our process and sort of the integrity of the
- 24 process, is to highlight the fact that we did not start
- 25 with existing districts and play around and pick up and

- 1 drop, but that we actually started from scratch, except
- 2 for, obviously, the Section 5. So, I think if we could
- 3 somehow I think that's very powerful narrative and I
- 4 don't know that we ever had a decision, but that's, you
- 5 know, that's how we did it. And anyway, I think that
- 6 might be an important starting at the top of the things
- 7 we talk about, that could be very important for the
- 8 public to know.
- 9 VICE CHAIRMAN ONTAI: Commissioner Di Guilio.
- 10 COMMISSIONER DI GUILIO: I like that point, by
- 11 the way, that Commissioner Blanco mentioned. But I would
- 12 also just comment on I like Commissioner Ancheta's idea
- 13 that we should have a discussion maybe of retrogression
- 14 in the context of Section 5, but I would be hesitant to
- 15 use the number. I just think that that's at a level that
- 16 most people probably we could make those available, but
- 17 I would imagine most media and most people aren't going
- 18 to want to know the numbers, and I would just encourage
- 19 and I have confidence that, between Mr. Wilcox and our
- 20 Public Information that they will be able to provide as
- 21 much justification for what we did, but in a way that is
- 22 very readable. I still think even sometimes in our, like
- 23 our one-page document, it's still kind of at a high
- 24 level, but I'd like to make it as much readable.
- 25 And the only other thing I would ask is that I

- 1 think it's important that people understand that we had
- 2 to bring the issues we had to bring into Section 5 and
- 3 maybe to some extent Section 2, in terms of looking at
- 4 race or ethnicity, but that, for the rest of the maps,
- 5 there's a 14th Amendment issue where that won't be taken
- 6 into consideration because I think if we start talking a
- 7 lot about what we did for the Section 5, people may think
- 8 that that we looked at types of data throughout the
- 9 state, but really we were only looking at certain types
- 10 of data in those Section 5 areas.
- 11 VICE CHAIRMAN ONTAI: Commissioner Aguirre.
- 12 COMMISSIONER AGUIRRE: Yes, I would certainly try
- 13 to inform the public about 14th Amendment issues, and
- 14 specifically the Section 5, that we don't have a choice
- 15 in those counties. And because we don't have a choice,
- 16 then we're constrained by law to design them in a certain
- 17 way that avoids retrogression without getting into the
- 18 abstraction of what retrogression kind of means, a simple
- 19 definition of that. So, I think it's important to inform
- 20 the public about that, and also the point one of the
- 21 talking points, of course, is that we started with
- 22 Section 5 counties and kind of built from there, and that
- 23 the law kind of almost demanded that we do that. The
- 24 other point is that this information, of course, should
- 25 be multi-lingual, and we should reach out to as much

- 1 ethnic media as possible.
- 2 VICE CHAIRMAN ONTAI: Good point. Commissioner
- 3 Forbes.
- 4 COMMISSIONER FORBES: Just a couple of comments.
- 5 I wouldn't start out by thinking the Section 5 Districts
- 6 look odd because I don't think they all do look odd, I
- 7 think it's important that we say that we were constrained
- 8 to do certain things with them, and that drove other
- 9 lines. But I would not sort of characterize them as
- 10 being particularly different than other districts in
- 11 their appearance. We had the same principles we applied
- 12 in addition to the Section 5 criteria. The other thing
- 13 is I would be cautious that because I think it's a red
- 14 flag for a lot of people even when we are discussing
- 15 Section 2 districts that we don't want to try and
- 16 characterize these as racially driven districts because I
- 17 think that would be seen as a red flag. I think we need
- 18 to find language that describes them differently from
- 19 that and how that language is, but we've already received
- 20 a number of comments about how this is going to be a
- 21 racially driven map and I think we want to avoid that if
- 22 at all possible.
- VICE CHAIRMAN ONTAI: Commissioner Barabba.
- 24 COMMISSIONER BARABBA: Based on the conversation,
- 25 we're fundamentally saying we're going to follow the

- 1 rules that were set in place in the Constitution and,
- 2 because of that, the first rule was equal population, and
- 3 then we say that led us into the VRA, and then that way,
- 4 then get into it in that sense, and so everything is in
- 5 the context of what is in the Constitution, not because
- 6 we had a problem with VRA, but because that was the next
- 7 step.
- 8 VICE CHAIRMAN ONTAI: The procedure, huh.
- 9 Commissioner Raya.
- 10 COMMISSIONER RAYA: I would like to just these
- 11 are all wonderful suggestions and thank you all for
- 12 jumping in with them because there is so much information
- 13 to convey, but we are talking about a few different
- 14 documents and maybe Mr. Wilcox could just list what
- 15 they're going to be, again, because each one serves a
- 16 different purpose and so we want to be able to
- 17 incorporate all these suggestions; at the same time, they
- 18 won't necessarily all be written in the same way in every
- 19 document because we're trying to use them for different
- 20 purposes.
- 21 VICE CHAIRMAN ONTAI: Mr. Wilcox.
- 22 COMMUNICATIONS DIRECTOR WILCOX: The narrative
- 23 will be detailed with the information that we're talking
- 24 about now, the talking points will not be as detailed,
- 25 and then, of course, you already have the over-arching

- 1 shorter message, and then there will be a press release.
- 2 Those are the four documents.
- 3 COMMISSIONER RAYA: So I guess it would be
- 4 helpful, those of you who have made suggestions, if you
- 5 see your particular point as fitting into one document or
- 6 another, you know, and being more effective in that way,
- 7 if you could just email me or email Mr. Wilcox, and then
- 8 that way we can incorporate get it kind of a little
- 9 better organized.
- 10 VICE CHAIRMAN ONTAI: Commissioner Yao or Raya,
- 11 anything else?
- 12 COMMUNICATIONS DIRECTOR WILCOX: Did we want to
- 13 discuss the press conference?
- 14 COMMISSIONER RAYA: Yes, please.
- 15 COMMUNICATIONS DIRECTOR WILCOX: So, if the
- 16 Commission is agreeable and is going to be here on June
- 17 10th, we can set and I can try to get a press conference
- 18 room in the State Capitol. That facility allows us to
- 19 have a line where reporters can listen in and ask
- 20 questions from around the state, so we're going to be
- 21 able to cover a lot of territory and save some wear and
- 22 tear on Commissioners from the previous idea of going out
- 23 to the media in the different media markets, however, I
- 24 will need Commissioners possibly on the weekend and
- 25 definitely on Monday for follow-up interviews. The only

- 1 question is, we need to coordinate with Q2 on the timing
- 2 of when and I don't have any inkling or idea of when the
- 3 maps will be available on that day, so it will be based
- 4 on that and hopefully we will be able to do it not late
- 5 in the afternoon because we won't have a very happy Press
- 6 Corps. So, late morning, early afternoon would be best.
- 7 COMMISSIONER RAYA: If Commissioners could also
- 8 indicate I know we have our master availability
- 9 calendar, but if anybody is not going to be available the
- 10 weekend or Monday for follow-up interviews, if you could
- 11 let Mr. Wilcox know that right away, please.
- 12 COMMUNICATIONS DIRECTOR WILCOX: Several
- 13 Commissioners have, and I thank you for that.
- 14 VICE CHAIRMAN ONTAI: So, I do have one question
- 15 on that. So the 10^{th} is the day that Commissioner Aguirre
- 16 will be chairing it. Are you coordinating this work with
- 17 him?
- 18 COMMISSIONER RAYA: Well, we will, yes.
- 19 VICE CHAIRMAN ONTAI: Okay. Commissioner Yao.
- 20 COMMISSIONER YAO: In addition to the documents
- 21 that we've discussed, I just wanted to bring up another
- 22 possibility. Would it be appropriate to create some kind
- 23 of Powerpoint type presentation in the event any group,
- 24 any organizations that are interested in having one of us
- 25 to talk about it in much greater detail than what's

1	available	in	simply	the	first	release	or	th_	article
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- 2 that we're putting into the newspaper? Because I suspect
- 3 that we're beyond the half-way point in our task and
- 4 they're going to want more information than readily
- 5 available from just an interview from a press conference.
- 6 VICE CHAIRMAN ONTAI: Have you guys given that
- 7 some thought?
- 8 COMMISSIONER RAYA: We haven't, but I'll let Mr.
- 9 Wilcox address what the possibilities of getting that
- 10 together.
- 11 COMMUNICATIONS DIRECTOR WILCOX: Well, that is a
- 12 possibility. I mean, as I'm hearing you, Commissioner,
- 13 it would be for presentations at meetings or speeches.
- 14 Would that be the idea of using the Powerpoint?
- 15 COMMISSIONER YAO: Correct, any group that would
- 16 either invite you or any one of the Commissioners to
- 17 basically give a very detailed briefing as to what we
- 18 went through, how we got to where we are, and so on. I
- 19 think we can do it on the fly, but I think it probably
- 20 would be good if we can capture the organizational
- 21 thoughts, so to speak.
- 22 COMMISSIONER RAYA: Commissioner Yao, when you
- 23 say a very detailed presentation, do you envision that
- 24 going beyond the detail that we would have in the
- 25 documents we've talked about so far this morning? Do you

- 1 see it including that, samples, or -
- 2 COMMISSIONER YAO: Yes, discussion of Section 2,
- 3 discussion of Section 5, and how we end up coming up with
- 4 the map that we did, and -
- 5 COMMISSIONER RAYA: And would you include sample
- 6 maps? Or all the maps? What else you know, I just
- 7 want to pin down so we really understand what you would
- 8 be asking in terms of detail.
- 9 COMMISSIONER YAO: Probably the kind of
- 10 information that would be disclosed in a half an hour or
- 11 45-minute type of a presentation.
- 12 COMMUNICATIONS DIRECTOR WILCOX: My other
- 13 thought, looking at the Commission's calendar up until
- 14 August 15th, I don't know how many speeches you're going
- 15 to be giving, but it's something that certainly I can
- 16 work on the possibilities with the Public Advisory -
- 17 COMMISSIONER RAYA: Yeah, we'll take that back
- 18 and give it some more thought and see what we can come up
- 19 with that would be time efficient.
- 20 COMMUNICATIONS DIRECTOR WILCOX: Okay.
- 21 VICE CHAIRMAN ONTAI: Commissioner Forbes, then
- 22 Commissioner Blanco next.
- 23 COMMISSIONER FORBES: She was first.
- 24 COMMISSIONER BLANCO: I'm just wondering about
- 25 the wisdom of that in between iterations of individual

- 1 Commissioners giving talks and presentations,
- 2 individually, about the process that we went through in
- 3 describing what we did. I would like to hear from
- 4 counsel on this. I'm concerned in terms of the record,
- 5 that if ever we have say, 10 of us go out and we give
- 6 our individual presentations about what we did, because
- 7 even if we have a Powerpoint, you know, you sort of fill
- 8 in the blanks between the slides, and then we have 10
- 9 different narratives about what we did, and that's part
- 10 of the record. So I'm not I could go either way, but I
- 11 have some concerns about that legally.
- 12 VICE CHAIRMAN ONTAI: Commissioner Forbes.
- 13 COMMISSIONER FORBES: Yeah, actually two things.
- 14 On that point, I would agree. I think that perhaps until
- 15 we see the litigation terrain, you know, we ought to have
- 16 a single message that we speak as one. After, I think,
- 17 once the litigation issues have passed, and quick, but we
- 18 don't know that, then I think a good Powerpoint that we
- 19 can go around and describe the whole process as a
- 20 completed task to anybody who wants to know about it.
- 21 The other thing I was going to ask, are we going
- 22 to have I'll call them "nice" or "good" color graphics
- 23 on the 10th, so we can sort of say, "Here is the map of
- 24 the state?" Or, here is the and so we can show the
- 25 public? Because a lot of people are visual and they'll,

- 1 you know, so we'll need good color graphics.
- 2 COMMUNICATIONS DIRECTOR WILCOX: We have
- 3 requested and are working with Q2 to see what is
- 4 available and what it will look like.
- 5 COMMISSIONER FORBES: Thank you.
- 6 VICE CHAIRMAN ONTAI: The Chair has returned, so
- 7 I will hand it over.
- 8 CHAIRPERSON GALAMBOS MALLOY: So I think this
- 9 stack is Commissioner Yao, and then Dai, and then
- 10 Barabba.
- 11 COMMISSIONER BARABBA: I think Mr. Miller wanted
- 12 to respond.
- MR. MILLER: I agree with both Commissioners
- 14 Blanco and Forbes about the concerns raised about the
- 15 form and the presentation. You know, I have always felt
- 16 that approaching this at a high level is the best place
- 17 to be, for a couple of reasons. I don't know that we're
- 18 heading this direction, but it seems like one could be
- 19 placed in an awkward position of being asked to comment
- 20 about a particular map, and that's both suspect under the
- 21 statute, and I think extremely difficult for any
- 22 Commissioner to do, having walked through 150 of them,
- 23 it's, "Well, what did you do with the 36th?" You know,
- 24 it's just really hard to have the command of the facts in
- 25 such a way to speak to it accurately. And the other

- 1 thing is, thinking trying to always think about the end
- 2 game, to the extent that at this point we're presenting -
- 3 which is the reality here both a great deal of work and
- 4 thought has gone into getting us where we are based on
- 5 the Constitution, and we're not done, we're open to more;
- 6 and to the extent that we're spending a disproportionate
- 7 amount of time justifying what is done, I think it's
- 8 harder to present the other face of welcoming further
- 9 comment to perfect what is presently good work.
- 10 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao,
- 11 then Dai, then Barabba.
- 12 COMMISSIONER YAO: I think having a standard
- 13 Powerpoint message or Powerpoint presentation would
- 14 allow us to stay on point, that's really the purpose of
- 15 the package, so that any one of us who happened to be
- 16 speaking can cover all those particular issues without
- 17 having to go off base, so to speak. I can certainly
- 18 accept the fact that we're going to not talk to the
- 19 Press, not talk to anybody else in between, until we get
- 20 the final map done, but the fact that we're making such a
- 21 big deal in terms of the Press conference, on and on,
- 22 basically we're inviting or letting the public know that
- 23 we are making good progress and we're proud of what we
- 24 have accomplished. So, in anticipating the fact that we
- 25 are going to be successful, the public would want to know

- 1 and they would want to know more. So, that's the purpose
- 2 of the Powerpoint presentation. Again, if as a group we
- 3 don't feel that's what we want to know, so be it.
- 4 COMMISSIONER RAYA: My suggestion at this point
- 5 would be that we take all of this under advisement and
- 6 address the concerns that have been raised with counsel,
- 7 and then we'll come back and report whether this is
- 8 something that is advisable or not.
- 9 CHAIRPERSON GALAMBOS MALLOY: That's, I think, an
- 10 excellent strategy. I'd like to have Commissioners Dai
- 11 and Barabba weigh in before we close this item.
- 12 COMMISSIONER DAI: Thank you, Chair. My feeling
- 13 on a Powerpoint is that it would probably consist of
- 14 exactly the same points that are in the talking points
- 15 and would not vary from that, you know, with some visuals
- 16 in there. So I don't anticipate that it would be any
- 17 different than what is exactly in the talking points. So
- 18 if any of us actually have the opportunity to give half
- 19 hour to one hour presentations, that's something that can
- 20 be thrown into a Powerpoint very easily.
- I had a question for Mr. Miller in terms of, you
- 22 know, exactly what we can comment on in terms of the
- 23 maps, you know, once they're out. I understand not
- 24 commenting on anything before we have visuals, but once
- 25 we have a map out, you know, what level of detail -- or

- 1 not -- because I would anticipate for these first draft
- 2 maps that we're going to say that this is a rough draft
- 3 and the lines will change, so that should be certainly
- 4 one of the messages, and then how that might look
- 5 different when we have the final maps out, or are you
- 6 advising kind of radio silence in the last 14 days before
- 7 August 15th? Because one of the things that occurred to
- 8 me is, well, we might not have time to do any kind of a
- 9 road show and that may not be advisable while the maps
- 10 are still in flux, that may be different once we actually
- 11 have finished the maps and may want to present them. I
- 12 could see both sides, I'm just curious from the legal
- 13 standpoint what your thoughts are, especially given
- 14 litigation concerns.
- MR. MILLER: Well, fortunately we have a little
- 16 time before we have to implement our decision. We have
- 17 not only a good story, we really have a great story to
- 18 tell, and we'll have a very good story by the time we're
- 19 finished. My concern, looking at it, is not about
- 20 talking to the strengths of the process and how we got
- 21 there, but rather the difficulty of trying to speak to
- 22 any particular district as an individual of the 14. And
- 23 the potential, just because there are so many facts to
- 24 try to get a handle on, to speak differently than, say,
- 25 the final report does, to the compilation of Assembly

- 1 Districts, or the Compilation of the Senate Districts, so
- 2 that's where I would have a concern. But there is so
- 3 much good news at a high level here I think we'll find
- 4 that that probably carries the day. But we can certainly
- 5 revisit this well before August 15th.
- 6 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 7 Barabba.
- 8 COMMISSIONER BARABBA: I appreciate the concern,
- 9 but it puts us in a tough spot with the local Press, who
- 10 would expect us to really understand what happened in
- 11 areas that we're familiar. And I think you used the term
- 12 "explain" rather than "defend," and I guess I would feel
- 13 comfortable explaining what we did because it's already
- 14 been discussed in public, so I guess I was it seems to
- 15 me there is a nuance there as to what we should and
- 16 should not say.
- 17 MR. MILLER: I think that's fair. The other
- 18 point, perhaps, would be my concern was if you were
- 19 expected as an individual to try to be able to speak to
- 20 150 maps.
- 21 COMMISSIONER BARABBA: Yeah.
- MR. MILLER: That just seems too steep a hill.
- 23 Possibly, you know, on the local basis where you're in a
- 24 conversation about your area, you can speak adequately to
- 25 those that the local Press would have an interest in, so

- 1 maybe in that context the hill isn't quite as steep.
- 2 COMMISSIONER BARABBA: Thank you.
- 3 CHAIRPERSON GALAMBOS MALLOY: A final comment
- 4 would be Commissioner Aquirre, and then we'll pass it
- 5 back for the next agenda item.
- 6 COMMISSIONER AGUIRRE: So, given that concern
- 7 about individual Commissioners, once the maps are out on
- 8 the 10th, and we have an open day on June 8th, that we've
- 9 talked about perhaps utilizing that day to work with Mr.
- 10 Wilcox on, you know, what a good approach with the media
- 11 might be. And certainly, as Commissioners, I think Mr.
- 12 Barabba said it well, that we can explain what we've done
- 13 because I think we've done great work, but how do we
- 14 respond to particular questions without being kind of
- 15 putting people off and being positive about it, and
- 16 emphasizing that we're not done yet, and that we continue
- 17 to be open to the public.
- 18 CHAIRPERSON GALAMBOS MALLOY: Commissioner Raya,
- 19 would you like to move us along?
- 20 COMMISSIONER RAYA: Yes. Okay, well, I think we
- 21 have plenty of direction and advice, and we will continue
- 22 to work on these documents and prepare us well for some
- 23 media advisories for the Commissioners. Mr. Wilcox, that
- 24 covers all of that, you think? Okay. Okay and I don't
- 25 think we really had anything in particular to report on

- 1 the website, but I'll oh, question?
- 2 CHAIRPERSON GALAMBOS MALLOY: I believe that
- 3 Commissioner Filkins Webber had some feedback on this
- 4 agenda item.
- 5 COMMISSIONER FILKINS WEBBER: Yes, I did. If you
- 6 didn't have anything further.
- 7 COMMISSIONER RAYA: Go ahead.
- 8 COMMISSIONER FILKINS WEBBER: As you're aware, I
- 9 have missed a few days of actual business meetings last
- 10 week and this week and, in doing so, I've had an
- 11 opportunity to actually take a look at the forest through
- 12 the trees and kind of take a few steps back, and I've
- 13 started to think about the information we've received
- 14 from quite a few members of the public, the manner in
- 15 which they have presented their testimony to us at the
- 16 public input hearings, and when you start to see a
- 17 pattern, I start to wonder why this pattern exists. And,
- 18 in particular, I'm referring to the several members of
- 19 the public who felt it necessary to come before us to
- 20 remind us to be fair, remind us of all of the obligations
- 21 under Proposition 11. And when that happens, I wonder
- 22 why they are doing that because we had also heard some
- 23 complaints and some other concerns from the public
- 24 regarding the community-based organizations, and somehow
- 25 giving the impression that this Commission was relying on

- 1 the information that came from those organizations more
- 2 so than what we really are. And so we're obviously
- 3 concerned with perception, and obviously the necessary
- 4 transparent for this Commission. So, I took a look at
- 5 quite a number of things, and I started to realize that I
- 6 wasn't principally involved in some of the decision
- 7 making, and I don't recall in particular who made some of
- 8 the decisions, but I think I see where some of the
- 9 perception is, and it starts actually with I think in our
- 10 what are we calling it our tool kit, for one, on page
- 11 9, it actually refers people to community-based
- 12 organizations in order how they can get involved, and
- 13 that's troubling to some because there is a perception as
- 14 to what constitutes a community-based organization, and
- 15 I'm afraid just media-wise, we know that there's been
- 16 quite a number of concerns after President Obama's
- 17 selection and with the issues with ACORN, and that's
- 18 where that connotation draws negative response. Then, I
- 19 took a look at our website, and on the Helpful Links
- 20 page, which it doesn't appear and it may very well have
- 21 occurred in the Public Information Committee when we were
- 22 in break-out sessions, but the Helpful Links page has
- 23 quite a number of nonpartisan, non-advocacy group
- 24 references, obviously to Berkeley, to Greenlining, which
- 25 I don't know a lot about, but what I'm also concerned

- 1 about is the reference to other advocacy groups on this
- 2 Helpful Links page, and it has on there the Latinos Draw
- 3 the Lines, Asian Law Caucus, African-American
- 4 Redistricting Collaborative, these were groups, at least
- 5 the Collaborative, that were created for advocacy of a
- 6 particular group. And so I think, and I would like to
- 7 ask maybe the Public Information Committee, to take a
- 8 look at this and determine whether or not we can steer
- 9 clear of promoting advocacy groups. I mean, they are
- 10 advocacy groups and they exist to advocate that -
- 11 whatever their group is, you know, and I don't have
- 12 anything against any of them, it's just they do have
- 13 their agenda as advocacy, for one group or another, and
- 14 we also recognize that some of them might be working
- 15 together, but they have also been provided three days of
- 16 presenting information to us. And so I'm a little
- 17 concerned about recognizing, at least for the public's
- 18 sake, that we have heard them, and we've heard their
- 19 concerns in the public input hearings, and we should
- 20 likely reconsider reference to community-based
- 21 organizations in our toolkit and, again, just refer them
- 22 to Redistricting CA, which I think is a pretty generic
- 23 website, and to reconsider whether or not we are
- 24 advertising for advocacy groups on our website.
- 25 CHAIRPERSON GALAMBOS MALLOY: If I may weigh in

- 1 on this, as well. I appreciate you bring that to our
- 2 attention, Commissioner Filkins Webber. I think that, in
- 3 the early days, which weren't that long ago, as we were
- 4 getting started on our work together, even thinking back
- 5 to that group presentation opportunity we had back in
- 6 February, there was a sense in which many of those
- 7 organizations were appearing to the Commission and sort
- 8 of expressing themselves as serving a very important
- 9 education and outreach function, which I think is true
- 10 and continues to be true, but the reality is that most of
- 11 those groups are not doing education and outreach for
- 12 neutral public education purposes, they are also
- 13 appearing before the Commission to advocate for
- 14 particular maps, particular districts, and I think that
- 15 is something that we have to be conscious about, so we
- 16 either need to have kind of open forum and anybody who is
- 17 doing redistricting work has the opportunity to have
- 18 their link on their website, or I think, in order to deal
- 19 with this issue of public perception, have a clear policy
- 20 on what links we have and why and make sure that they
- 21 really are kind of neutral parties or providing neutral
- 22 information to the individuals who come into contact with
- 23 them, so I would concur that I think it's an issue for
- 24 the committee to look into further and come back with
- 25 some sort of solutions. Commissioner Forbes.

1	COMMISSIONER	FORBES:	Yes.	Т	think	that.	S	а	aood

- 2 comment, Commissioner Filkins Webber. One, perhaps,
- 3 approach that the committee can consider is whether we
- 4 need to have basically two buttons, one which identifies
- 5 "these are the nonpartisan folks," and say there are
- 6 groups that are partisan, or advocacy groups, and if you
- 7 want to look at those sites, click here. So, someone who
- 8 comes to it and wants to see what XYZ group says, that's
- 9 an advocacy group, can find them. But I think separating
- 10 the two groups out would be a useful activity.
- 11 CHAIRPERSON GALAMBOS MALLOY: I saw a hand from
- 12 Commissioner Di Guilio, and then Commissioner Filkins
- Webber.
- 14 COMMISSIONER DI GUILIO: I just wonder if there's
- 15 a way for us to just direct people we have our
- 16 information as a Commission available and then just to
- 17 direct people for any other way of connecting with
- 18 organizations to another party link, and all the names
- 19 are swirling in my head, but I do believe there is
- 20 California Forward, or some of those other non-political
- 21 groups who have a listing of all the organizations
- 22 because my only concern with us trying to, say, to weed
- 23 out whether you're interested in, you know, Latino
- 24 issues, go here, if you're interested in conservative
- 25 issues, go here, then we have to start making judgment

- 1 calls as to where those organizations fall, and I don't
- 2 think that's our role and I don't think it's fair to some
- 3 of those organizations that maybe don't want to be
- 4 pigeon-holed. So, I would just suggest that we direct to
- 5 an off-site location that maybe has a collection of
- 6 additional links. That would be my suggestion.
- 7 CHAIRPERSON GALAMBOS MALLOY: So I have three
- 8 Commissioners in the stack, and at that point, after we
- 9 hear from those three Commissioners, I would like to go
- 10 ahead and refer this to Public Information, so
- 11 Commissioners Filkins Webber, Ward, and then Blanco,
- 12 please.
- 13 COMMISSIONER FILKINS WEBBER: One thought that I
- 14 had in mind because I've done this on other websites that
- 15 I've actually designed, is if we do want to make
- 16 reference due to their involvement and their assistance
- 17 with us earlier in this process, when we were talking
- 18 about outreach, probably have just one page, you know,
- 19 others that are involved in the process, with no
- 20 description as to who they are, and just put a list of
- 21 websites. That's another neutral way of doing it. So,
- 22 if we do want to recognize their involvement, we could
- 23 just have one page, "Others Involved," and whether
- 24 they're neutral, and maybe if someone wants to ask for
- 25 the link to be put on that page, then we can discuss it,

- 1 or Public Information could discuss it and make sure that
- 2 obviously it might be appropriate, but if we do have
- 3 links, that's the other thing we have to be concerned
- 4 about is what information might be on those websites.
- 5 But the other balance to that would be possibly having
- 6 this one page, without looking as if we're advocating any
- 7 of them, but just others that are involved in
- 8 redistricting.
- 9 CHAIRPERSON GALAMBOS MALLOY: Commissioner Ward.
- 10 COMMISSIONER WARD: Thank you. Commissioner
- 11 Filkins Webber, what particularly are you referring to,
- 12 again? Are you referring to the links that actually go
- 13 to the -
- 14 COMMISSIONER FILKINS WEBBER: I'm looking at the
- 15 Helpful Links page on our website, when you click on it,
- 16 they're listed there. And I don't know that this
- 17 Commission, in full, has actually, I guess, concurred
- 18 that we would have these types of links on there, so
- 19 that's where my concern was.
- 20 COMMISSIONER WARD: Thank you. Being on the
- 21 subcommittee for Communications, I know we'd had a
- 22 discussion and, at the time I had concern about it and I
- 23 think it drives into this, that I think makes it relevant
- 24 to revisit it, is on the Public Input Hearings Worksheet
- 25 that we have listed, there's a section labeled "How Can

- 1 Public Comment and Testimony be Given." And we list the
- 2 variety of ways: in person at an input hearing, in
- 3 writing, and a third and equal bullet is through a
- 4 Community-Based Organization. And my thought at the time
- 5 is just that CBOs are important partners for us in this
- 6 process and we've worked well together, but it seems,
- 7 again, it gives a mixed message that, if you want to
- 8 provide comment to the Commission, you can do it in
- 9 person at input hearings, in writing, or go do it through
- 10 a CBO, and it just doesn't seem like we should be
- 11 referring anybody to provide testimony to anybody but us
- 12 directly. So, if we're cleaning up those issues, I'd
- 13 like to see that included in the discussion.
- 14 CHAIRPERSON GALAMBOS MALLOY: For our final
- 15 comment, it would be Commissioners Blanco and then we're
- 16 going to pass it back to Commissioner Raya to wrap up.
- 17 COMMISSIONER BLANCO: Yeah, thank you for
- 18 bringing this up, Commissioner. I was looking at this,
- 19 as well, and was a little concerned that this list really
- 20 reflected an earlier period when we were trying to direct
- 21 people to sources that had the ability to help them map
- 22 and to understand the redistricting process, it did flow
- 23 from that meeting where everybody came and said this is
- 24 what we're doing, and these are our resources, and then
- 25 we posted them, and I think we're past that stage, and to

- 1 have those up does as people have said, now that some
- 2 of those groups not all of them, some of them continue
- 3 to be mainly technical assistance groups but some have
- 4 gone to the next stage of the process and now are groups
- 5 that have appeared before us, advocating if not for maps,
- 6 at least for certain criteria, if not a particular set of
- 7 maps. So, I would agree that we should look at I look
- 8 at it as an update, I don't think that we were biased by
- 9 having them listed on there initially, it was really
- 10 meant to direct people to folks that had a capacity to
- 11 help them, and so I just want to make sure that,
- 12 personally, I don't see it as we were leaning one way or
- 13 another, it's just that we were trying to give people as
- 14 many options as possible for folks that could help them
- 15 with the mapping because we, if you remember at that
- 16 point, we were in those discussions about whether we
- 17 would even happy mapping, you know, the Legislature, were
- 18 they going to give us money to have capacity to offer
- 19 people all of that? And we were basically relying a lot
- 20 on others to help the public, so I would agree, though,
- 21 it needs to be updated.
- 22 CHAIRPERSON GALAMBOS MALLOY: Commissioner Raya,
- 23 may I ask who will be the Committee lead on Public
- 24 Information between now and the next meeting?
- 25 COMMISSIONER RAYA: I think I continue to be the

- 1 lead, and that's fine, I think the continuity will make
- 2 this whole process easier.
- 3 CHAIRPERSON GALAMBOS MALLOY: Okay, so then I
- 4 would ask for Commissioners who have remaining feedback,
- 5 comments, ideas, if you could direct that information to
- 6 Commissioner Raya and she'll be sure to share that with
- 7 the rest of the public information committee. But I do
- 8 think at this time that I need to move on to the next -
- 9 we have two really full hours of committee work and don't
- 10 have a lot of flexibility in that we are hoping to map
- 11 Southern California this afternoon, which I think is a
- 12 pretty daunting task, so if there's nothing further?
- 13 COMMISSIONER RAYA: Unless Mr. Wilcox has
- 14 anything to add. No, I think we have our direction and
- 15 we'll move forward. Thank you.
- 16 CHAIRPERSON GALAMBOS MALLOY: Okay, I appreciate
- 17 that. So, at this point, we would like to transition to
- 18 the Legal Advisory Committee and I believe that the
- 19 leadership for that committee still sits with
- 20 Commissioner Filkins Webber? Okay.
- 21 COMMISSIONER FILKINS WEBBER: I notice on the
- 22 agenda that there is the Chief Counsel Report, but Mr.
- 23 Miller and I haven't really coordinated anything to
- 24 discuss, so we will move into Item 2, which is the
- 25 Coordination of Work between Gibson, Dunn & Crutcher and

- 1 Q2. As this Commission is aware, there are conference
- 2 calls that we've participated in and I'm pleased to
- 3 report that Mr. Brown was certainly well on top of all of
- 4 the issues that were raised by the Commission in
- 5 Northridge last week, and so we focused on a number of
- 6 those issues and --
- 7 CHAIRPERSON GALAMOS MALLOY: Perhaps I'll
- 8 interject since I'm not sure what portion of our meeting
- 9 you were able to view yesterday, but we did have Mr.
- 10 Brown of Gibson, Dunn & Crutcher, and he actually
- 11 elaborated on many actually, all of the same issues
- 12 that were discussed on the Legal Advisory call he
- 13 addressed in open session and kind of allowed the
- 14 Commissioners a chance to ask questions.
- 15 COMMISSIONER FILKINS WEBBER: Okay, then moving
- 16 on to number 3. I certainly appreciate that. I don't
- 17 know when he was available or not, and certainly if out
- 18 of that discussion that you had with Mr. Brown yesterday,
- 19 if any Commission members have any additional follow-up
- 20 that they've thought of since that, I'll certainly
- 21 entertain that at the conclusion of our committee meeting
- 22 today. So, think about that and I can jot down any notes
- 23 to take back to them.
- 24 The third item has actually been an item that's
- 25 been on the agenda for I think two months, so and the

- 1 way that I've thought about it, as things have come
- 2 along, the purpose of this particular item, which is
- 3 Consideration of Additional Governance Matters,
- 4 Publications by Commissioners and Consultants, and this
- 5 kind of leads into the question Commissioner Dai had
- 6 raised earlier about how to address the public once the
- 7 final maps are out. I've given this considerable thought
- 8 because the issue came up with each of our contracts for
- 9 our vendors, in other words, as an attorney and I always
- 10 think ahead, obviously, from a litigation standpoint, and
- 11 in discussing some contract issues with Mr. Miller when
- 12 we were working out the details with Q2, and Q2 did agree
- 13 to this additional term in the contract that there would
- 14 be a limitation on public speaking and a limitation on
- 15 publications during the pendency of litigation, which
- 16 essentially we have to assume will be immediately post-
- 17 August 15th, so essentially from August 16th through the
- 18 entire period of litigation, Q2 is not contractually
- 19 permitted to basically undergo any types of publications.
- 20 And publications under the law is broadly termed, which
- 21 would include essentially speaking engagements and
- 22 articles and academic things that they wish to engage in,
- 23 and the purpose being is that they are our retained
- 24 expert and our retained vendor, and any information that
- 25 they provide outside during the pendency of litigation

- 1 after the conclusion of their work could be subject to
- 2 further inquiry and could be damaging to any potential
- 3 litigation and the defense of this Commission throughout
- 4 the time in which the maps might be challenged. So, our
- 5 vendors have agreed to that, and then the question that I
- 6 raised was, well, what limitations would the
- 7 Commissioners wish to consider under those same
- 8 circumstances of pending litigation. And I've taken it -
- 9 I've broken it down two ways; on the one hand, we will be
- 10 asked to engage the media, and likely have interviews,
- 11 and so that public speaking is one avenue the Commission
- 12 would need to think about. The other avenue and,
- 13 again, that's during the pendency of litigation and
- 14 obviously any writing, blogs, I mean, it relates to all
- 15 publications, so editorials, anything of that nature
- 16 during the pendency of litigation. And then the second
- 17 way to look at it is, after litigation, and given the
- 18 fact that we are Commissioners for 10 years, is there any
- 19 and, again, this is something that I had discussed with
- 20 Mr. Miller, that the Commission might want to obtain
- 21 further legal opinion on, and this crossed my mind during
- 22 our ethics training, and it might have crossed your mind,
- 23 as well, there are so many provisions of the law that
- 24 apply to us as public officials, essentially, that there
- 25 may be higher standards and prohibitions against the

- 1 types of publications that we could actually do, if any,
- 2 for that matter, for the next 10 years. And this is a
- 3 commitment that all of us have understood would last 10
- 4 years, we are Commissioners and public officials for 10
- 5 years, so what does that really mean for the course of
- 6 the next 10 years as to the Commission's, or any
- 7 individual Commissioner's ability to publicize or publish
- 8 any materials that relate particularly to the business of
- 9 redistricting. So those were the two issues. Again,
- 10 it's a litigation period and then a post-litigation
- 11 period, and what any thoughts this Commission might have
- 12 regarding those two periods of time.
- 13 CHAIRPERSON GALAMBOS MALLOY: Yes, I appreciate
- 14 the concern in this area, but rather than making it a
- 15 prohibition, it would seem to me that we should be
- 16 required to have whatever we're going to say cleared by a
- 17 counsel who would say that this is not likely to have an
- 18 impact on any litigation. This is during the litigation
- 19 period. After the litigation period, I would just think
- 20 a clearance from somebody who may still be a counsel, I
- 21 don't know how long we're going to have counsel to this
- 22 Commission, but it just seems to me that there's a lot of
- 23 interest in what will have been done, and rather than
- 24 saying "no comment," it would just seem to me we ought to
- 25 have a clearance of what we say to make sure that it's

- 1 not going to cause a problem.
- 2 CHAIRPERSON GALAMBOS MALLOY: Commissioner Blanco
- 3 and then Ancheta.
- 4 COMMISSIONER BLANCO: I think, while we're in a
- 5 phase where we don't know, you know, where litigation is
- 6 possible, before the dust is settled on any litigation,
- 7 that this is a really important matter. I actually have
- 8 a lot of experience in this area and having done a lot of
- 9 class actions where the people wanted to do media about
- 10 the cases and that whole tension between what you say
- 11 then can become part of the litigation and I know that
- 12 it's very common to advise clients -- and, in this case,
- 13 we would be Mr. Miller's clients -- to not comment on
- 14 things that could come back to haunt them, and I'll just
- 15 give you an example of how something that seems very
- 16 innocuous can come back, and I'll just share this, I had
- 17 a large case that went up eventually to the U.S. Supreme
- 18 Court and when it went up to the Court, we were arguing
- 19 that it should not be granted certification because it
- 20 was not a case of great importance, why should they care
- 21 about this little case? But, in the mean time, the
- 22 nonprofit I worked for had put out newsletters saying,
- 23 "Wow, groundbreaking case, look at what our lawyers are
- 24 doing." And when our case went up for cert to the
- 25 Supreme Court, that newsletter from the nonprofit was

- 1 actually cited in the brief as an example of the fact
- 2 that this was not just a small case, but in fact was
- 3 worthy of Supreme Court consideration. Now, I say that
- 4 because we never gave thought to the fact that this
- 5 little newsletter could end up in a brief in front of the
- 6 Supreme Court, and it happened. And so, I think until
- 7 litigation is over or doesn't happen, we should be
- 8 extremely careful about any publications or statements by
- 9 individuals or the Commission as a whole that's not
- 10 really really cleared with a keen legal eye, and I err on
- 11 the side of being very conservative on this matter.
- 12 CHAIRPERSON GALAMBOS MALLOY: Commissioners
- 13 Ancheta, and then Di Guilio.
- 14 COMMISSIONER ANCHETA: Yeah, I would agree with
- 15 that. I think we shouldn't self-impose an entire gag
- order to just limit whatever we say post August 15th,
- 17 we'll get -- I mean, just as an example, I have a pending
- 18 invitation, and knowing this item is on the agenda, I
- 19 said, "Can you hold off," in terms of any commitments
- 20 because I want to know what we're going to do about
- 21 speaking after August 15th. Specifically, it's giving a
- 22 keynote -- a luncheon address to a Lawyer's Association,
- 23 but it's actually got more to do with political and
- 24 election law, so some of them may actually be suing at
- 25 that time, so there's a lot of interesting things going

- 1 on and I said "maybe," I might have to back out
- 2 completely, I can't say anything about maybe what we're
- 3 doing, or it may be a very sort of carefully crafted
- 4 generic speech that doesn't give you anything that you
- 5 might want to actually ask me and want to know about, but
- 6 I'm happy to talk to you at that time, and maybe that's
- 7 all we can do at that point because that's all that
- 8 really our lawyers would let us do. But I think it is
- 9 important to temper those invitations and think about
- 10 what we would say, but not to just sort of completely
- 11 eliminate them because I think we will naturally get
- 12 invitations and I think it's important for us after the
- 13 15th, and during litigation, to simply say, "This is what
- 14 we tried to do," but I think it does have to be cleared
- 15 by counsel and vetted carefully because, again, we don't
- 16 want to be absolutely silent. And going to the second
- 17 point regarding publication, I think the same thing, as
- 18 long as we have a well defined scope of what we're
- 19 limiting, for example, if somebody publishes for a
- 20 living, I can't have a complete gag order on me, but I
- 21 have no intention of writing about work I've done here
- 22 for the very reason that Commissioner Filkins Webber has
- 23 brought up, I think it's inappropriate for me to discuss
- 24 or write about my experiences here. Maybe 30 years down
- 25 the line when I want to write some memoirs or something,

- 1 but I have no interest in doing that because of various
- 2 conflicts and various compromises that could occur
- 3 because of the Commission's work.
- 4 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 5 Guilio.
- 6 COMMISSIONER DI GUILIO: Okay, I have a little
- 7 bit different question since I won't be asked for my take
- 8 on things in my play groups very much, so I don't think
- 9 this will be an issue for me.
- 10 CHAIRPERSON GALAMBOS MALLOY: Yes, you will!
- 11 COMMISSIONER DI GUILIO: On a very different
- 12 level, let's just put it that way, a very different
- 13 level. They'll want to know how I juggled it. So, I
- 14 just want a point of clarification. I know Commissioner
- 15 Filkins Webber said there's a gag order on Q2, I'm
- 16 assuming that's for all consultants and that would
- 17 include Gibson, Dunn & Crutcher and anyone else that
- 18 we've contracted with. And to that point, also, where
- 19 does staff fall in this? I mean, I'm just saying our
- 20 personal staff, but we've also contracted, I know we've
- 21 got some great technical people, that they probably could
- 22 have some great stories to tell about us, too, if they
- 23 wanted. I mean, so let's see if they're actually paying
- 24 attention here. I guess not to say I don't trust
- 25 anybody, but I feel like if we're going to have some type

- 1 of policy, it should be consistent so we as a Commission
- 2 should consider it from the top to the bottom.
- 3 CHAIRPERSON GALAMBOS MALLOY: Commissioner Forbes
- 4 and then Yao.
- 5 COMMISSIONER FORBES: The one thought I had was
- 6 that we will, I'm sure, be asked to make speeches after
- 7 the 15th, not only in California, I hope. So it might
- 8 behoove us at some point to prepare a sort of, well, a
- 9 canned speech that we actually have vetted by counsels,
- 10 and we're able, if we need an instant speech that we have
- 11 to give, or are called upon to give a speech outside the
- 12 state, if the litigation goes on for two years, you know,
- 13 people's interest in talking to us may wane and I think
- 14 we have a story to tell, and so to have a prepared speech
- 15 for any one of us that we could use might be something we
- 16 want to develop.
- 17 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao.
- 18 COMMISSIONER YAO: We're here to make sure that
- 19 the Redistricting Commission will continue to be able to
- 20 perform our duties, and so even though the term "gag
- 21 order" has been used in a negative manner, I think we
- 22 probably do want to set some very very strong guidelines,
- 23 for example, let's say the first two years no
- 24 publication, period, so that we can adhere to it without
- 25 trying to find ways to get around it. And then, in the

- 1 longer run, we may or may not have a counsel, or we may
- 2 or may not be able to afford a counsel associated with
- 3 this Commission while we go forward. And to have
- 4 everything [quote unquote] "blessed by the counsel," I
- 5 don't think it's going to be an effective solution. So,
- 6 what I'm hoping to do is just basically set some real
- 7 strong guideline in saying that any kind of publication
- 8 and any kind of disclosure, or whatever it is that we
- 9 want to call the speeches or anything else, won't do any
- 10 good for the Commission when it comes to lawsuits and
- 11 things of this nature, it can only harm it because the
- 12 public record that we have established during the period
- 13 of performance would speak for itself. And maybe beyond
- 14 the term of our duties, 10 years, then we're probably
- 15 going to be at liberty to do anything else because we
- 16 won't have any influence in the process. So, I'm looking
- 17 forward to some really strong quidelines beyond just
- 18 getting approval from one individual or from a small
- 19 group of people, and I think in terms of looking after
- 20 the interests of the Redistricting Commission, our
- 21 process, our historical setting opportunity, we really
- 22 need to be very very careful about that. So I'm leaning
- 23 in the direction of saying absolutely not.
- 24 CHAIRPERSON GALAMBOS MALLOY: At this point, I'd
- 25 like to invite Commissioners who have not weighed in on

- 1 this issue, and I'll start with Commissioner Dai and then
- 2 Raya.
- 3 COMMISSIONER DAI: Yeah, I tend to not favor
- 4 black and white kinds of rules because they don't fit
- 5 well, especially with a process that has never been tried
- 6 before, and so everything the Commission has done has
- 7 been an experiment. I thought Commissioner Forbes'
- 8 suggestion was a good one, which is, you know, have kind
- 9 of a vetted speech with talking points, you know, a
- 10 canned speech that any Commissioner can be trained to
- 11 give, have that vetted by counsel, while we have counsel,
- 12 and leave it at that so that there is an opportunity to
- 13 talk about our process, which I think is important for us
- 14 to get the word out on, it is historic, there are many
- 15 other states who are watching what we're doing and they
- 16 don't have time to sit down and watch thousands of hours
- 17 of video to try to figure that out. So, you know, kind
- 18 of doing a summary of it and focusing on the mission and
- 19 goals, understanding the criteria and the process, I
- 20 think, all of that seems pretty reasonable and it can be
- 21 vetted to make sure there is no litigation risk.
- 22 CHAIRPERSON GALAMBOS MALLOY: Commissioner Raya.
- 23 COMMISSIONER RAYA: I thought there was an answer
- 24 pending to Commissioner Di Guilio's question and I didn't
- 25 know if I saw either Mr. Claypool or Mr. Miller to inform

- 1 us that everyone is subject to the same restrictions?
- 2 EXECUTIVE DIRECTOR CLAYPOOL: Always the bad news
- 3 from me. I don't believe I mean, I think, personally,
- 4 I think I certainly am because I have the same
- 5 restrictions, and I said that but I don't think you've
- 6 ever addressed staff, and certainly we've never addressed
- 7 it in the contracts with our contractors.
- 8 COMMISSIONER FILKINS WEBBER: Yes, we have.
- 9 EXECUTIVE DIRECTOR CLAYPOOL: Well, I mean, I'm
- 10 sorry, with Q2 we have, but not with -- I think you were
- 11 talking about what Kristian might say, and to sharks
- 12 [Inaudible], and so forth -
- 13 COMMISSIONER DI GUILIO: And I don't want to
- 14 throw him to the bus, I'm just bringing the larger
- 15 issues, they're great guys, so ...
- 16 EXECUTIVE DIRECTOR CLAYPOOL: In all seriousness,
- 17 I don't believe it's ever been addressed beyond Q2 and -
- 18 COMMISSIONER DI GUILIO: And we have it in Q2's
- 19 contract, but we don't have it in Gibson, Dunn's
- 20 contract? I know they are subject to confidentiality,
- 21 but it doesn't mean that they can't talk about other
- 22 things about this process that are outside that boundary,
- 23 so, I mean, of course they're not going to give away the
- 24 confidentiality issues, but there are a lot of other
- 25 things that have happened, so I think if we have this

- 1 policy, it needs to be addressed across the board.
- 2 MR. BROWN: That's fine. The other comment, very
- 3 briefly, I would make, this has been a very good
- 4 discussion. The one thing I think I could add to a good
- 5 discussion is this, unlike other kinds of litigation that
- 6 you don't really know when you're going to receive it,
- 7 like for example, in a malpractice case, the statute of
- 8 limitations is two years, and you could get it in the 18th
- 9 month, that won't happen here. With respect to State
- 10 litigation, I believe the statute says it must be brought
- 11 within 60 days, and in the event of Federal Court
- 12 litigation, any plaintiff is going to want to act very
- 13 promptly once the maps are available in final form. So,
- 14 I think we'll know early the lay of the land, and can
- 15 also revisit this with a lot of knowledge at that point,
- 16 which I think would inform areas that might be
- 17 particularly delicate to speak to and things that might
- 18 be less so.
- 19 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 20 Barabba.
- 21 COMMISSIONER BARABBA: I'm assuming that we go
- 22 down the path of approval, rather than no discussion at
- 23 all, it might seem appropriate if our staff or counsel
- 24 could look into what happens when we no longer have a
- 25 staff; for example, would we go to the Attorney General's

- 1 Office for clearance, or something like that? So, I
- 2 think a discussion of who would be available to review if
- 3 we did go down that path would be helpful.
- 4 CHAIRPERSON GALAMBOS MALLOY: Any other
- 5 Commissioners who would like to weigh in on this?
- 6 Commissioner Dai?
- 7 COMMISSIONER DAI: I just want to see, I mean, is
- 8 a motion called for so that we can direct staff to come
- 9 up with a policy for staff, basically? That may extend,
- 10 I mean -- this is a question for Mr. Miller -- that may
- 11 extend beyond their tenure as staff.
- 12 CHAIRPERSON GALAMBOS MALLOY: Perhaps we could
- 13 direct staff to work on crafting something and then we
- 14 could bring it back to the next business meeting and
- 15 actually take a formal vote on it at that time.
- 16 COMMISSIONER FILKINS WEBBER: And if I may, as
- 17 the lead of the Legal Advisory, if I could just look at
- 18 it and kind of look at a draft and maybe add some
- 19 suggestions before we bring it back to the full
- 20 Commission. So, essentially, just in summary, it sounds
- 21 as if we have a circumstance where, during litigation,
- 22 which obviously we anticipate would happen quite
- 23 promptly, after August 16th, that essentially we'll
- 24 consider the consideration of a canned speech and that
- 25 such would be vetted by counsel, trust me, any counsel,

- 1 whether it turns out to be the Attorney General or any
- 2 other private counsel that would defend this Commission,
- 3 will certainly weigh in on this issue. So, obviously,
- 4 that's a good direction that, keep in mind, I guess, that
- 5 if you do have an event that you might be invited to, I
- 6 think that that's probably a good course of conduct.
- 7 What I would do is I'll add a draft of these ideas if the
- 8 Commission concurs, that essentially we would be clearing
- 9 those events, publications, of that nature, with Defense
- 10 counsel during the pendency of litigation. Post-
- 11 litigation, staff will go ahead and draft a policy that
- 12 I'll review and take a look at when we no longer have
- 13 staff.
- I would like Mr. Miller, Ms. Johnston, to look at
- 15 the post-publication or post-litigation publication
- 16 issue because I concur with Commissioner Ancheta, I don't
- 17 feel that, given the fact that we are Commissioners for
- 18 10 years, there might be some concerns, even ethical
- 19 concerns in the ethics training that we received that
- 20 might prohibit us from that, so I would like a legal
- 21 opinion on post-litigation publication during the next 10
- 22 years. And if we get that, at least opinion right now,
- 23 then the Commission will have a better idea and maybe we
- 24 can talk about it if it's not quite that clear. So, that
- 25 was the purpose of that issue and I am glad we were able

- 1 to reach it.
- 2 CHAIRPERSON GALAMBOS MALLOY: I did -- I'm sorry,
- 3 I erred on not seeing that we had a Commissioner with one
- 4 final comment. Commissioner Blanco.
- 5 COMMISSIONER BLANCO: Just on what we do after we
- 6 finish drawing the maps, in terms of I think as a
- 7 clarification, we don't know what even our advisory
- 8 committees are going to look like, whether we're going to
- 9 keep them intact and who is going to be the lead and all
- 10 that, so I don't think our motion should include that
- 11 because we don't know what our structure is going to be,
- 12 like afterwards, if I understood Commissioner Filkins
- 13 Webber about that as we go on for the next 10 years, I
- 14 just don't know that we'll have a Legal Advisory
- 15 Committee and how we'll structure it, etc., so I don't
- 16 want to put that in there.
- 17 COMMISSIONER FILKINS WEBBER: I'm sorry, there
- 18 wasn't really any motion, what I was asking is Mr. Miller
- 19 and Ms. Johnston to go ahead and put together a legal
- 20 memo advising the Commission as to what their opinion is
- 21 on whether there are any prohibitions against the
- 22 Commissioners individually from publishing anything
- 23 during the time in which they hold tenure as a
- 24 Commission, in other words, post-litigation, because
- 25 you're going to be prohibited based on Defense counsel's

- 1 recommendation, from doing anything during litigation, so
- 2 that period I'm not worried about, just post. And I'm
- 3 just saying, if we get an opinion now, then we can use
- 4 that to guide us for the next 10 years when Mr. Miller
- 5 will be off and retired someplace, or Ms. Johnston, will
- 6 be long gone. So I'm just asking for them, let's take a
- 7 look at a memo, let's see if there are -- what the
- 8 recommendation could be of counsel at this time regarding
- 9 post-litigation issues for the next 10 years.
- 10 So Item 4, we're moving on, Status of the IFB for
- 11 the Racially Polarized Voting Analysis. We've been
- 12 looking at various versions and the last time we left
- 13 off, Mr. Claypool, was that, as I understood it, I think
- 14 it was going to be cleared with DGS again, and so if you
- 15 can provide us an update on what the status is of the
- 16 IFB? Or Mr. Miller.
- 17 MR. MILLER: You would think I could perfect the
- 18 switch on this microphone by now. At any rate, the last
- 19 iteration went back to DGS, we had a thorough
- 20 conversation with them the day before yesterday and they
- 21 were actually pretty helpful in providing guidance back
- 22 about what they needed to see in it. I am hopeful that
- 23 those changes were made yesterday back at the ranch and
- 24 that we'll have another iteration to provide to them
- 25 immediately.

1	COMMISSIONER FILKINS WEBBER: Given that
2	circumstance, we are pleased that DGS has provided us
3	with other alternatives which would be other interagency
4	similar to an interagency contract. But they've also
5	allowed us to consider other academics at other public
6	schools, even those outside of California, with the
7	assistance and the advice of counsel, Gibson, Dunn &
8	Crutcher, and Mr. Brown, in particular, and Mr. Kolkey,
9	have provided their ideas of how the racially polarized
10	voting analysis would work, and how it will assist the
11	Commission. So, in that regard, given their experience
12	in the Voting Rights Act arena, they've identified a few
13	individuals that have been solicited to consider
14	providing their CVs to Angelo and I, and we will be
15	looking at - I believe we're trying to schedule a
16	conference call with one individual coming up this
17	Friday, tomorrow, I think. So, the good news is that,
18	although the IFB process is still trudging along slowly
19	with DGS, we do have these other alternatives and
20	Commissioner Ancheta and I, with the assistance of the
21	VRA counsel, are moving forward to consider other
22	possibilities for contracting and we should be able to
23	get that moving along, hopefully, within the next week or
24	two. So that is coming along and if at any time that I

have any further information, obviously the Commission

25

- 1 will know if we are going to release an IFB, or whether
- 2 we're going to move forward with an Interagency Contract.
- 3 The final agenda item for Legal is tracking
- 4 previously adopted CRC motions. As this Commission is
- 5 aware, and I think it might have been a request from our
- 6 last Chair, Commissioner Ancheta, but it's been an
- 7 ongoing issue that we'd love to be able to make reference
- 8 to the motions that we've had because it does guide us in
- 9 the future, it helps refresh our memory as to what
- 10 decisions have been made on certain items, and often
- 11 times we've had a tendency to either try and recreate
- 12 things that have already been done. So it looks like
- 13 there's a handout being passed out, and Ms. Sargis, could
- 14 you tell us what this might be
- 15 MS. SARGIS: This document is a compilation of
- 16 the Resolutions made by the Citizens Redistricting
- 17 Commission beginning back on January 12th, and running
- 18 through last night, June 1st, where you made two motions.
- 19 I would love it -
- 20 COMMISSIONER FILKINS WEBBER: I apologize for
- 21 interrupting. Mr. Miller, we are short three -- or two,
- 22 Commissioner Dai, Commissioner Ward and myself. Sorry.
- 23 But we need to see what we're looking at before you get
- 24 started. Okay, Ms. Sargis, please, I will not interrupt
- 25 again.

1 MS.	SARGIS:	I	would	love	it	if	you	would	take
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- 2 some time to look over the motions and please let me know
- 3 if there is anything that doesn't look right. I would
- 4 love to say that my note-taking abilities are perfect,
- 5 but since we succumb to the human nature of imperfection,
- 6 please let me know if there's anything that looks as
- 7 though I might need to go back and verify with the video.
- 8 There is a caveat at the beginning of the document that,
- 9 when we put in place the process for the Clerk to read
- 10 back the motion, everything should be accurate from that
- 11 point forward because we have that process in place; but
- 12 before that, if you'll recall back in Claremont, things
- 13 got a little dicey, so I have checked against the video
- 14 with many of these, but ran out of time to do it with all
- 15 of them. It's my intent to eventually check all of them
- 16 against the video, but I didn't have time to do that
- 17 before this document was presented to you. So, if
- 18 there's anything that looks different than what you
- 19 remember it, please bring it to my attention.
- 20 COMMISSIONER FILKINS WEBBER: Do you want each
- 21 individual Commissioner to bring it to your attention?
- 22 Or do you in separate emails? Or do you want it
- 23 filtered through me, since I'll be maintaining the
- 24 document and discussing the issue? How do you want it?
- 25 MS. SARGIS: Whatever your pleasure is. If you

- 1 want it to go through you, that would be fine.
- 2 COMMISSIONER FILKINS WEBBER: It doesn't matter,
- 3 it's just whether or not if I gathered them, then I
- 4 could put it together into one document and then forward
- 5 it to you based on your schedule and we can make
- 6 arrangements for you to work on the individual items, and
- 7 then I could report back to the individual Commissioners,
- 8 vs. you getting 14 different emails over the course of
- 9 the next two weeks. I'm just trying to figure out
- 10 practically speaking what would be of ease for you.
- 11 MS. SARGIS: I don't mind the individual emails,
- 12 and that would lighten your load. If you want to just
- 13 let me know individually or -
- 14 COMMISSIONER FILKINS WEBBER: Okay, that's fine,
- 15 then. We'll just leave it at that, then.
- MS. SARGIS: Okay, sure. Thank you.
- 17 COMMISSIONER FILKINS WEBBER: Then, unless any
- 18 other Commissioners have any suggestions for further
- 19 follow-up in the Legal Advisory Committee, I am
- 20 concluded.
- 21 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 22 Parvenu.
- 23 COMMISSIONER PARVENU: Commissioner Filkins
- 24 Webber, or maybe another Commissioner may want to
- 25 respond, I know it's early, but do we have any sense

- 1 based on the work we've done so far of where we may have
- 2 a need for racially polarized voting analysis? Do we
- 3 have a general sense of whether this is going to be on
- 4 hold until we see it presently comes available?
- 5 COMMISSIONER FILKINS WEBBER: Well, based on the
- 6 information we received from Mr. Brown last week, he
- 7 certainly identified one area I think everyone agrees is
- 8 the San Gabriel Area where there has been an increase in
- 9 the API population. So, we will need to look at it
- 10 there, but that's -- the series of notes that I had taken
- 11 and I'm expecting a summary from Mr. Brown also as to
- 12 where he's already identified the necessity, so even
- 13 though we identified based on a geographically compact
- 14 minority population that's subject to the Act, we also
- 15 have to take that next step and so it's based on Mr.
- 16 Brown's analysis in conjunction with Q2. So, when we
- 17 have that list, then he will be able to work with our
- 18 designated racially polarized voting analysis expert to
- 19 actually identify the specific areas, and with that
- 20 individual's expertise, I'm certain they will be able to
- 21 narrow the number of areas and the Commission will
- 22 certainly be fully informed as to where those areas will
- 23 be because it will be part of their contract and we would
- 24 have to consider, obviously, the cost and expenses with
- 25 the assistance of counsel to narrow those areas down.

- 1 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 2 Guilio, final comment.
- 3 COMMISSIONER DI GUILIO: I was simply just going
- 4 to thank Ms. Sargis for doing this. I know we've been
- 5 all over the place sometimes and she's done the best she
- 6 can getting us down. We look to her when we start
- 7 looking for motions, not that we didn't like having Mr.
- 8 Miller around, but, "Where's Ms. Sargis?!" So, I
- 9 appreciate you putting this altogether. Thank you very
- 10 much.
- 11 CHAIRPERSON GALAMBOS MALLOY: All right, with
- 12 that, does that bring us to the close of the Legal
- 13 Advisory Committee?
- 14 COMMISSIONER FILKINS WEBBER: Yes, it does.
- 15 Thank you.
- 16 CHAIRPERSON GALAMBOS MALLOY: Okay, excellent.
- 17 So what I would like to do is, as the beginning of our
- 18 Finance and Administration topics, to invite our
- 19 Executive Director, Mr. Claypool, to make his
- 20 presentation and then we will pass the mic over to
- 21 Commissioner Ward for the rest of our agenda items. Oh,
- 22 you know, I'm actually getting a request for a bio break.
- 23 And right on time, it is 10:30, so my apologies, thanks
- 24 for reminding me. Let's take a brief bio break and come
- 25 back in five minutes to begin up again. So we're going

- 1 to go on break and we'll resume shortly.
- 2 (Recess at 10:34 a.m.)
- 3 (Reconvene at 10:46 a.m.)
- 4 CHAIRPERSON GALAMBOS MALLOY: If you don't mind
- 5 taking your seats. Good morning, I'd like to welcome
- 6 everybody back to this session of the California Citizens
- 7 Redistricting Commission. We are here today at
- 8 Sacramento, California, resuming our Advisory Committee
- 9 Meetings this morning. After the lunch hour, we will be
- 10 moving into providing line drawing direction to our
- 11 Technical Consultants, Q2. We have already moved through
- 12 the Public Information discussion topics and the Legal
- 13 discussion topics, which leaves us with Finance and
- 14 Administration. Our first item on that agenda is the
- 15 Executive Director Report, after which Commissioner Ward,
- 16 serving as lead on Finance and Administration, will walk
- 17 us through the remainder of the agenda items. So, Mr.
- 18 Claypool.
- 19 EXECUTIVE DIRECTOR CLAYPOOL: Thanks you, Chair.
- 20 So, since Santa Rosa, we have done quite a bit on your
- 21 behalf and the staff. Most important was the completion
- 22 of the budget hearings and receiving unanimous votes from
- 23 the Assembly and Senate Budget Committees, so our Fiscal
- 24 Year 2011-2012 Budget is now incorporated into the full
- 25 Governor's Budget at \$400,000 in general funds, and \$1.5

- 1 million in provisional funding for litigation support.
- 2 The litigation support funding will require an
- 3 augmentation letter or letters justifying the different
- 4 requests for funds as we understand our more near term
- 5 future. So, as has been discussed, if we receive
- 6 litigation after August 15th, then we would make a request
- 7 to the Department of Finance and that would trigger that
- 8 funding. The funding typically would take about 30 days
- 9 after the approval of the funding letter, unless the
- 10 Legislature released the funds more quickly on our
- 11 behalf. The only really remaining items are issues that
- 12 could interfere with this funding would either be a line
- 13 item removal by the Governor, or the actual date that the
- 14 budget is signed. We don't anticipate any line item
- 15 removal and we have no idea of when the budget will be
- 16 signed, so that's the state of our 2011-2012 budget.
- 17 We also received a letter from the Department of
- 18 Finance this last week, where they completed the
- 19 paperwork for the transfer of the \$1 million in the
- 20 augmentation provision language that was replaced in the
- 21 2010-2011 budget, and it is now in your account, so that
- 22 funding has been released to us and that funding is
- 23 three-year funding and has been factored into our budget
- 24 and the Commission planning through August 15th, 2010.
- In kind of bullets, since Santa Rosa, our staff

- 1 has been working on the Racially Polarized Voting
- 2 Analysis IFB and Interagency Agreement options that had
- 3 been discussed, and we're working on finalizing the
- 4 Inline Review IFB, which will be actually tomorrow, we
- 5 have Commissioner Forbes and Barabba coming over to put
- 6 the finishing touches on that document, and then we
- 7 should be able to release it. I notice that Commissioner
- 8 Dai is happy that she won't be here tomorrow to help with
- 9 that.
- 10 We've finished the schedule and venues for the
- 11 second round of the input hearings and we've done the
- 12 upgrades to the Commission Security Plan, and I'd like to
- 13 just put a plug in that we would like to finalize that
- 14 Security Plan by this afternoon, so I have already
- 15 received two or three different changes and they're good
- 16 changes, and if I could get anyone else's changes, we'll
- 17 put that up and let the public see it.
- 18 Finally, we've had some staff hires on Personal
- 19 Services Contracts, we have one full-time student
- 20 assistant and two part-time student assistants that are
- 21 helping to take the load off of Christina Shoup,
- 22 particularly those individuals were needed to adjust for
- 23 the significantly higher volumes of email and mail
- 24 traffic we've had since the May 23rd cut-off, which went
- 25 up to about 400 to 500 documents per day.

1	Staff is currently focused on completing both
2	IFBs prior to the upcoming meeting so the potential
3	contractors can be identified for the Commission's vote
4	as soon as possible, augmenting our Line Drawer's budget
5	to allow for the hiring of a note-taker, which we agreed
6	to yesterday as a Commission, and continuing the posting
7	of documents to the website and all staff functions
8	associated with moving this Commission through its
9	upcoming meetings.
10	Finally, I'd like to say that I thanked our
11	contact with the Speaker's Office for the Legislative
12	offer of the funds for public software access to the
13	Statewide Database that we declined, simply because we
14	didn't have the time or the staff to do it. During my
15	conversation with our contact in the Speaker's Office, I
16	realized that I had inadvertently contributed to a
17	perception that the Legislature's offer of assistance had
18	occurred just immediately prior to the May 20 th Santa Rosa
19	meeting, and I'd like to clarify this. In fact, the
20	offer from the Speaker's Office occurred on May $5^{\rm th}$, and
21	staff notified the Chair and Vice Chair of the offer at
22	that time, however, because of our notice and
23	requirements, we were unable to agendize the actual
24	discussion until the Santa Rosa meeting. I don't believe
25	it would have made the difference would not have made

- 1 any difference to this Commission anyway, but in fairness
- 2 to the Legislature, their staff has been incredibly
- 3 responsive to us and to this Commission during this
- 4 entire process, and many of the delays in the process for
- 5 providing this particular public access and software have
- 6 been just unavoidable, both because of our schedule and
- 7 because of the budget that the Legislature is dealing
- 8 with. So, that is my report. Is there any questions? I
- 9 will turn it over to the lead.
- 10 COMMISSIONER WARD: Thank you, Mr. Claypool.
- 11 Let's see, we had an item and emails were sent out this
- 12 week regarding Ethics and Sexual Harassment Training, I
- 13 am happy to report that my understanding is that, at this
- 14 point, all training is completed and only one certificate
- 15 is still outstanding, so thank you, Commissioners, for
- 16 responding quickly and getting that knocked out. I
- 17 believe that is valid for one year is that correct,
- 18 staff? Two years, great. So we hopefully won't see that
- 19 again for quite a while.
- 20 I wanted to move to Facilities quickly and ask
- 21 staff for a Facilities update, and particularly, I was
- 22 hoping you could give us a status report on beyond chairs
- 23 and desks, so, what are our capabilities at this point in
- 24 our new offices?
- 25 EXECUTIVE DIRECTOR CLAYPOOL: Well, we're

- 1 completely wired and, in fact, we were moving over the
- 2 ability to have these meetings to a big space that we
- 3 have in the middle if the event comes up in the future
- 4 that we can't find a venue, we actually have a place
- 5 where this Commission could meet and where we could have
- 6 a business meeting right within our offices. That's
- 7 because we have office space for about 60 people and we
- 8 only have the nine of us in it. There is plenty of room
- 9 for everyone and we're fully functional, we're right back
- 10 to where we were on K. Street and that it's very much
- 11 thanks to Raoul Villanueva and Christina Shoup, who
- 12 worked long hours over that weekend to make sure that we
- 13 all got switched over, so we're set, and we're ready for
- 14 you to come over and see the new area.
- 15 COMMISSIONER WARD: Commissioner Dai.
- 16 COMMISSIONER DAI: Yeah, how are we doing on copy
- 17 machines and printers?
- 18 EXECUTIVE DIRECTOR CLAYPOOL: We have a copy
- 19 machine. We're state-of-the-art now. I should say that
- 20 our copy machine that had over a million copies in, that
- 21 the service person even refused to touch, much less give
- 22 a warranty, has been replaced, and so we have a copy
- 23 machine, and we have printers, and we've actually --
- 24 we're going to switch over our fax machine, as well, to a
- 25 computer. So we're set. Commissioner Barabba.

- 1 COMMISSIONER BARABBA: What is the situation on
- 2 parking when we come to visit? Are we on our own?
- 3 EXECUTIVE DIRECTOR CLAYPOOL: You know, yes, as
- 4 Commissioner Forbes said, you can use quarters. There is
- 5 parking directly behind us on 10th Street and I think that
- 6 you can park there and not having to worry about
- 7 quarters.
- 8 MR. MILLER: There is the State Garage next to
- 9 the building, which actually is in our building, does
- 10 permit public parking. It's not it's relatively
- 11 expensive, but it's available in that building there.
- 12 EXECUTIVE DIRECTOR CLAYPOOL: So there are two
- options immediately going up on 10th, the public parking
- 14 right behind us and then the next one is the State
- 15 Garage. I think that, you know, for you, you can TEC
- 16 that parking expense a lot easier than you can the
- 17 quarters, Commissioner Forbes.
- 18 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao
- 19 and then I will interject.
- 20 COMMISSIONER YAO: Any temporary parking for five
- 21 or 10 minutes type of -
- 22 EXECUTIVE DIRECTOR CLAYPOOL: It's difficult and
- 23 if you find a space that's right in front -- now, if you
- 24 just want to drop something off, there's a loading zone
- 25 right in front of the building on 10th Street, you can

- 1 park there. We can stand by your car and make sure that
- 2 it doesn't get towed, but a lot of people park there for
- 3 a long period because there is also a Day Care Center in
- 4 our building, and so they're delivering children.
- 5 CHAIRPERSON GALAMBOS MALLOY: I had one question
- 6 regarding the copier and printers. Do we have the
- 7 ability to actually print similar to the packet of
- 8 visualizations that we saw yesterday? That quantity of
- 9 color copies?
- 10 EXECUTIVE DIRECTOR CLAYPOOL: No, we don't.
- 11 Everything that you'll see right now, they're out at
- 12 FedEx doing that, everything in that quantity of color is
- 13 just -- we go up the street for that.
- 14 CHAIRPERSON GALAMBOS MALLOY: Okay. Commissioner
- 15 Ancheta.
- 16 COMMISSIONER ANCHETA: Mr. Claypool, just to
- 17 alert the Commission, I think there are two ways of
- 18 getting in, one, you have to go through somebody else's
- 19 space, which I guess you could still do, but there's
- 20 another entrance with card accesses, which is probably a
- 21 lot easier to get into our office.
- 22 EXECUTIVE DIRECTOR CLAYPOOL: Exactly. We have a
- 23 card for each of you when you come in the first time, the
- 24 10th Street entrance is the one that is closest and
- 25 doesn't have you don't have to go through the

- 1 Department of Energy's filing space to get to it, which
- 2 is what you will have to go through in order to reach the
- 3 bathrooms. So, the first time you come, call ahead and
- 4 we'll make sure we get you a key card, and it only takes
- 5 a couple of minutes to learn the routine on this place.
- 6 Oh, Janeece has the card keys with her, so you don't even
- 7 have to -- and Commissioner Barabba already has his,
- 8 although, when he didn't have his, we used it liberally.
- 9 Are there any other questions?
- 10 COMMISSIONER WARD: Great. Please, I understand
- 11 that Janeece does have all the key cards here, so if you
- 12 haven't picked up a security key card for the office
- 13 facility, please see Janeece before we break for the
- 14 session and sign for that, and she'll release that to you
- 15 because you can't get into the facility without it.
- 16 And then, just to share a personal experience, I
- 17 was able to visit the offices when they moved it over,
- 18 and I just don't think we can say enough thank you to our
- 19 staff for the incredible amount of work they're doing
- 20 under -- with the resources that they had, particularly I
- 21 saw Deborah had brought in her -- the only functioning
- 22 printer that I saw from her home, and I understand that a
- 23 number of staff had to run to the store and purchase
- 24 their own stamps, and so to keep this together, our team
- 25 is just doing an amazing job and I just think that that

- 1 can't be said enough, so thank you for that. It is good
- 2 to hear, though, that since that personal experience, we
- 3 have increased capability, then, at this point, and we do
- 4 have copy capability, we do have functional printers that
- 5 aren't personally owned from home. Is that correct?
- 6 EXECUTIVE DIRECTOR CLAYPOOL: That's correct,
- 7 although the ones from home are still in use.
- 8 COMMISSIONER WARD: Okay, well, I'm not too proud
- 9 to beg, so if there are Government agencies listening
- 10 that have the ability to augment our capabilities, please
- 11 call Mr. Claypool at a half a dozen numbers. Okay,
- 12 great.
- 13 The next item is something that the Chair had
- 14 discussed with me this week that I think is relevant to
- 15 take up at this subcommittee is trying to create a better
- 16 process and ensure a better process for hand-off of
- 17 information amongst the rotating leadership. We kind of
- 18 established this for the Chair, a Rotating Chair document
- 19 that is a living document that I believe we've made it a
- 20 Google Doc at this point, but I'm not sure that that's
- 21 been done for the leads of each subcommittee, so I would
- 22 like to open the floor for any suggestions or support for
- 23 the idea of creating a Google Doc for each subcommittee
- 24 lead, that we would all agree to as we rotate out of
- 25 the leadership, update, and then as the leadership is

- 1 transferred to you, you go and refer to it and that way
- 2 you can be caught up on what's outstanding. The concern
- 3 has been that there have been many items that perhaps are
- 4 lower on the priority list, that are continually
- 5 dragging, and those start to add up after a while. So
- 6 this might be a better method by which to knock those out
- 7 and get them off of the list.
- 8 CHAIRPERSON GALAMBOS MALLOY: Let me provide a
- 9 little more context into my thinking. We have had a sort
- 10 of "Tips" for the Chair document which is a shorthand,
- 11 you know, "don't forget to ask for public comment before
- 12 you take a vote," those kinds of, I guess, Cliff Notes
- 13 version to facilitating a productive meeting. What we
- 14 have not had is a formal mechanism for transferring the
- 15 outstanding tasks between chairs, and I think we have
- 16 been doing our best as individual chairs to make that
- 17 happen. Sometimes it's happened verbally, sometimes it's
- 18 happened over email, but, really, it would be helpful to
- 19 have just that history in one centralized place so that
- 20 we all knew where to go and didn't have to kind of
- 21 recreate the will every time we were having that
- 22 transition happen. I think it would also help because
- 23 I've noticed that staff has really had to backfill a lot
- 24 of that lack of clarity and transfer of knowledge, and I
- 25 think it would help us to just have a smoother transition

- 1 process, so I think there is the piece around the Chairs
- 2 and then, as Commissioner Ward has expanded this, would
- 3 also look at the committees who have chosen to implement
- 4 a rotating leadership structure; I think Finance and
- 5 Administration is one example of that. Other committees
- 6 may have chosen to have a designated lead, and so it
- 7 would not necessarily be as necessarily relevant. I
- 8 think we could lead it to each committee's discretion on
- 9 how they'd like to handle it. But this was really a
- 10 constant that we wanted to throw out and, if
- 11 Commissioners were generally in agreement that this might
- 12 be useful, then we could have potentially the F&A lead do
- 13 some thinking on what the structure actually looks like,
- 14 and again, we don't want it to be something onerous, we
- 15 just want it to make everybody's lives easier.
- 16 COMMISSIONER WARD: Thank you for that input. I
- 17 think that's exactly the point of it is not to make more
- 18 work, it's to make it less work, and better assurance. I
- 19 would just like to recommend -- and, again, it's a topic
- 20 of discussion -- perhaps that we do ask that each
- 21 subcommittee create it for the reason that, even if you
- 22 have elected not to have a rotating leadership structure
- 23 for your subcommittee, there might be a time where the
- 24 lead is unavailable to make a business meeting, or the
- 25 Chair just might simply not be able to reach them due to

- 1 communication issues, and might need to take a look at
- 2 what's going on, so it might just be a good idea to have
- 3 a document for each subcommittee that is constantly alive
- 4 and updated week to week. Any thoughts?
- 5 CHAIRPERSON GALAMBOS MALLOY: I think
- 6 Commissioner Filkins Webber.
- 7 COMMISSIONER WARD: Oh, thank you.
- 8 COMMISSIONER FILKINS WEBBER: I just wondered how
- 9 many of our committees actually have rotating since I
- 10 don't rotate, it sounds like Jeanne hasn't rotated for a
- 11 while, either.
- 12 COMMISSIONER RAYA: I was actually just thinking,
- 13 I don't mind not rotating, but if there's a Google
- 14 document to be created, I'm going to pass that over to
- 15 Cynthia.
- 16 COMMISSIONER DAI: I want to know why I keep
- 17 getting volunteered.
- 18 COMMISSIONER DI GUILIO: And I was going to put
- 19 my Google doc to Vince.
- 20 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 21 Blanco.
- 22 COMMISSIONER BLANCO: This is related, but a
- 23 little different. Since we've stopped actually having
- 24 committee meetings because we're having the meetings in
- 25 full session, I'm concerned not just about hand-offs, but

- 1 in our case we don't have a hand-off because we don't
- 2 rotate, and I think it actually works for us. But I
- 3 actually personally feel like there's no more meetings,
- 4 and there's no place for the Legal Committee to really
- 5 talk, or discuss things, we're doing it all on a very ad
- 6 hoc basis, and so I don't know if that contributes, and
- 7 the other committees also, to the issue that not
- 8 everybody knows what's going on because we really are not
- 9 having meetings anymore. And I know that a couple of
- 10 meetings ago, there was a sense that sometimes people
- 11 that would come to the meeting and they'd say, "I didn't
- 12 even know this was happening." And part of it was the
- 13 hand-off, but I think part of it is that we're not
- 14 meeting as advisory committees. And so I don't know -- I
- 15 think we need to address that going forward because I
- 16 think that we've basically eliminated in practice, not
- 17 because we've ever said so formally, but we've kind of
- 18 eliminated the advisory committee meetings and I would
- 19 like to see whether we go back to having them, and that
- 20 might address some of these missed hand-offs because part
- 21 of it is that people just aren't meeting. Or whether, if
- 22 we aren't going to reinstitute them, how we maybe -- and
- 23 this is for counsel -- how do we have people on those
- 24 committees talking to each other since we're not meeting
- 25 at the business meetings? I personally would like a

- 1 resolution to that.
- 2 CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.
- 3 COMMISSIONER DAI: Yeah, I think it's not because
- 4 of any decision, it's simply because we've been limited
- 5 on venues and we haven't had additional meeting space. I
- 6 think the idea was that, you know, we have these topics
- 7 and, again, we expect the respective advisory committee
- 8 members to be able to have the discussion during the
- 9 meeting with any other commissioner in attendance, and in
- 10 most cases it's been the full Commission in attendance,
- 11 so, I mean, we can still have these meetings, I think
- 12 we've been a little constrained on time in this
- 13 particular session, but the idea is certainly to have the
- 14 discussion and to give preference to the advisory
- 15 committee members so they can have that discussion.
- 16 Having said that, I do think it's a good idea for us to
- 17 track -- there have been a number of items where we've
- 18 either designated one or two Commissioners to finish
- 19 things, you know, so we should check at the next meeting
- 20 and make sure it was actually done, so I think having
- 21 certainly a Google doc that is shared among the rotating
- 22 leadership for the Commission as a whole, with
- 23 outstanding items, and some idea of urgency, and when to
- 24 check at the next business meeting, so that whoever is
- 25 the Chair for that meeting is on point. We've had a few

- 1 things drop through the cracks and result in last minute
- 2 scrambles because of missed hand-offs, so I think just
- 3 keeping a running track of a to-do list of items that
- 4 need to be completed, and approximate due dates, so that
- 5 whoever is on point, as I said, knows and then just a
- 6 notification that, you know, completed, line it out, when
- 7 it's been done. And then, for the committees that choose
- 8 to rotate, same thing. And Commissioner Raya, I'm happy
- 9 to start it for Public Information.
- 10 COMMISSIONER RAYA: Thank you.
- 11 COMMISSIONER WARD: Okay, so it sounds like I'm
- 12 sorry, I didn't see you. Well, let's -- I'd like to,
- 13 then, if there is no dissention to it, ask that the lead
- 14 for each subcommittee create a Google doc on the CRC
- 15 website for their subcommittee on the CRC Google Docs
- 16 shared page. And catch it up with current outstanding
- 17 items, and prior to hand-off of this meeting.
- 18 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 19 Guilio.
- 20 COMMISSIONER DI GUILIO: Do you have a timeframe
- 21 for that?
- 22 CHAIRPERSON GALAMBOS MALLOY: For when we would
- 23 like it complete?
- 24 COMMISSIONER DI GUILIO: Yeah, because yeah.
- 25 CHAIRPERSON GALAMBOS MALLOY: Could I ask for a

- 1 little more background on the question? Do you have a
- 2 timeline in mind?
- 3 COMMISSIONER DI GUILIO: I'm just trying to
- 4 recreate I quess part of it is how far back or should I
- 5 just start with the most immediate? Because --
- 6 CHAIRPERSON GALAMBOS MALLOY: My suggestion would
- 7 be we start from here with items that we know are pending
- 8 and outstanding -
- 9 COMMISSIONER DI GUILIO: So not recreate, okay.
- 10 CHAIRPERSON GALAMBOS MALLOY: Yeah, please don't
- 11 recreate.
- 12 COMMISSIONER DI GUILIO: Okay, thank you. I can't
- 13 remember what I did yesterday.
- 14 CHAIRPERSON GALAMBOS MALLOY: And moving forward
- 15 from here. And I think there was a second point, which
- 16 Commissioner Blanco brought up, which I do think bears a
- 17 little bit more thought. I know that there have been
- 18 times where it's been challenging on Finance and
- 19 Administration and something will come up and we haven't
- 20 necessarily had a forum to discuss it because we have not
- 21 had the kind of committee time, dedicated committee time
- 22 and space, to do that. I think there is a couple of ways
- 23 we could approach it, I'd be interested in feedback from
- 24 the Commission, and one is that, again, we could knowing
- 25 that we have a set leadership rotation, Commissioners can

- 1 look and see who is up in the rotation and really flag
- 2 for the incoming Chairs of a given session, "I anticipate
- 3 that we actually would need some dedicated committee time
- 4 for," say it's Legal Committee, "on a specific set of
- 5 meetings." And then the Chair could work with staff to
- 6 identify what are the venue constraints? Is there a way
- 7 that we can actually build time and space into the agenda
- 8 for that to occur? So it's on an as needed basis,
- 9 essentially. I think another option would be that we
- 10 agree to some baseline interval at which we want to
- 11 ensure that each committee has the ability to meet as a
- 12 body, say it's monthly, and then again, that's something
- 13 that staff can help to identify when in the month and in
- 14 what venue that is most likely to occur best. So I'd be
- 15 interested in hearing a little more feedback, or there
- 16 may be other options that I haven't thought of.
- 17 COMMISSIONER DAI: Again, I don't know if this is
- 18 an option, I think the challenge we're getting for space
- 19 and for traveling around the state are that we're often
- 20 left with only, you know, one venue to meet. So, I would
- 21 just urge every advisory committee to work with whoever
- 22 your designated lead is and make sure there is time on
- 23 the agenda to have the discussion, you'll just be having
- 24 it in front of the whole Commission, which is a
- 25 possibility anyway at any time, since we agreed that any

- 1 Commissioner can attend any other advisory committee
- 2 meeting and, again, we can remind everyone to make sure
- 3 that the advisory committee members have the floor, so
- 4 that they can have that discussion, and then open it to
- 5 others afterward.
- 6 CHAIRPERSON GALAMBOS MALLOY: One possibility
- 7 around this is that there are times where we have a venue
- 8 available, I think the 16th, on which we're actually
- 9 having a meeting, if we knew that a specific committee
- 10 needed more in depth time on a specific matter, we could
- 11 stagger the agenda so that, actually, that's what's first
- 12 on the agenda, and if other Commissioners want to
- 13 participate, they can, but they are in no way required
- 14 to. And then we can commence the full Business Meeting
- 15 afterwards. So, again, looking at the schedule that is
- 16 on our website regarding who will be in leadership at any
- 17 given point in time, the Chair can work with staff to
- 18 figure out what the possibilities are at any given venue,
- 19 on an as needed basis.
- 20 COMMISSIONER WARD: Thank you, that's great
- 21 input. So we'll go ahead and, to answer Commissioner Di
- 22 Guilio's question, is by Sunday, the end of the week, a
- 23 reasonable suspense for that? Does anybody have -- okay,
- 24 so let's go ahead and just get the document created and,
- 25 again, it's not a historical document, it's just what is

- 1 currently outstanding or pending for your subcommittees.
- 2 And also, if we could log on those Google docs when hand-
- 3 offs are made, if you are a rotating leadership style,
- 4 you could just put a date and handed off to, I think that
- 5 would help staff, Commissioners, and now that in some
- 6 cases consultants need to reach those leads, have a
- 7 medley of ways to find out who they need to call.
- 8 CHAIRPERSON GALAMBOS MALLOY: I have one
- 9 suggestion, and I think Commissioner Di Guilio had a
- 10 comment, was that when we create these Google Docs, just
- 11 in the interest of transparency, if we could share it
- 12 with all of the Commissioners and with all of our lead
- 13 staff so, that way, if any individual Commissioner has a
- 14 question of whether the Legal Committee is tracking
- 15 something, for example, they can just log on and see if
- 16 it's on the to-do list, and then the matter is solved and
- 17 you can avoid the side conversations. Commissioner Di
- 18 Guilio.
- 19 COMMISSIONER DI GUILIO: No, you answered my
- 20 question, thank you.
- 21 COMMISSIONER WARD: Do we need to forward
- 22 instructions to the Commission for how to create that
- 23 Google Doc, then, with the appropriate permissions? So
- 24 I'll ask staff to just ensure that instructions get sent
- 25 out.

- 1 COMMISSIONER RAYA: I was going to say the answer
- 2 to that question is no because I'm not doing it.
- 3 COMMISSIONER WARD: I'll just ask staff to make
- 4 sure that, if we can, by the end of the week make sure
- 5 that some instructions get out, that show how to create
- 6 the Google doc and have the appropriate permissions so
- 7 that everybody can see those documents.
- 8 EXECUTIVE DIRECTOR CLAYPOOL: We'd be happy to
- 9 ask Commissioner Dai how to do that. [Laughter]
- 10 COMMISSIONER WARD: Thank you very much, perfect.
- 11 COMMISSIONER DAI: It's really simple.
- 12 COMMISSIONER WARD: And let's see, the last item
- 13 -- oh, actually there are two more things. I don't know
- 14 that I heard in the Budget Report security the security
- 15 enhancement line item. What is its expected impact on
- 16 the budget, or new increase numbers?
- 17 EXECUTIVE DIRECTOR CLAYPOOL: The only --
- 18 actually, in the document that I gave to you, the only
- 19 really noticeable increase will be on the security, and
- 20 it will go up about three times, but it's not as large as
- 21 it sounds because a lot of our venues are with
- 22 Universities or public places where they provide their
- 23 own security, for instance, Lonn and Janeece, once again,
- 24 have gotten a promise of security at Culver City. So,
- 25 the Highway Patrol will be about three times more in

- 1 expense, but we will use them not as many times as we
- 2 envisioned. Other than that, the security, the upgraded
- 3 security, is really just a matter of common sense and
- 4 making sure we have people in the right places at the
- 5 right time. And we've had some additions to that, so
- 6 we'll have the police officer in the room with you;
- 7 whenever there is a break, we'll make sure staff is
- 8 keeping people from coming in behind where you sit, to
- 9 kind of secure that area. So those are the only issues
- 10 and I think that, unless there are other changes, we'll
- 11 have that up this afternoon.
- 12 COMMISSIONER WARD: Very good. Commissioner.
- 13 CHAIRPERSON GALAMBOS MALLOY: Oh, my suggestion
- 14 was just, since we have Ms. Davis with us, that I don't
- 15 know if she would be walking us through the highlights of
- 16 the revised budget documents, or if you would like to
- 17 take that on, Commissioner Ward?
- 18 COMMISSIONER WARD: Sure. Deborah has made the
- 19 walk all the way here, why not? If we can just do a
- 20 brief summary?
- 21 MS. DAVIS: Okay, here we go. The first document
- 22 that we shared is a revised expenditure through April
- 23 2011. At our last meeting, there was a request to have a
- 24 more detailed accounting of our numbers. And what I've
- 25 done here on the actual chart is included an encumbrance

- 1 line. As you can see on the Actuals, for operating
- 2 expense, which was what our subject was, there is only
- 3 \$49,000 that has actually hit the financials, the actual
- 4 financial documents. So, any documents, any encumbrance
- 5 documents are included in the 722. Unfortunately, we
- 6 won't see another report with May's data until about the
- 7 15th of the following month, which means that we need a
- 8 few days after that, so we'll be at probably the 20th
- 9 before we can have any further updates. But what we have
- 10 done is gone through every document that we do have
- 11 pending with DGS in the estimates that we have and made
- 12 an accounting of that in the \$722,000. The second page
- 13 chart actually kind of takes you through how much has
- 14 actually been encumbered, which is only \$69,000, and then
- 15 that to-be-encumbered includes all of our contracts,
- 16 service orders, purchase orders, for which a majority of
- 17 those should be reflected as encumbered documents on this
- 18 next May report. On that second document, also, you'll
- 19 notice that total encumbrance makes up about 68 percent
- 20 of the operating budget, so we only have about 32 percent
- 21 of unencumbered funds. Now, that unencumbered, I say
- 22 that very slowly because we have things that occur every
- 23 day that may not necessary have lined up with the way
- 24 that we originally got budgeted, so we are having to take
- 25 monies from this remaining funding. There is about

- 1 \$358,000 there. One of the ones that I will point out is
- 2 the Office of Revolving Fund, there is \$35,000 listed on
- 3 there and I only point that out because that's the money
- 4 that they used to cut revolving fund checks, or travel
- 5 checks, any time there is a check that has to be cut
- 6 before they actually take it from our monies; so they've
- 7 actually set aside monies -- so it's there, but it's not
- 8 there. I think that's on this particular chart, unless
- 9 there are other questions?
- 10 COMMISSIONER WARD: Thank you, appreciate --
- 11 Commissioner Dai.
- 12 CHAIRPERSON GALAMBOS MALLOY: I think we do have
- 13 two questions. I see Commissioner Dai and then
- 14 Commissioner Blanco.
- MS. DAVIS: Yes.
- 16 COMMISSIONER DAI: Would you just clarify for
- 17 everyone what the Technical Analyst line is, since it's
- 18 the largest line item?
- MS. DAVIS: The Technical Analyst line was
- 20 originally the \$250,000 that we had set aside for the
- 21 scientist, the technical analyst, we were going to fund
- 22 the --
- 23 COMMISSIONER DAI: The evaluation?
- 24 MS. DAVIS: -- Racially Polarized Analyst out of
- 25 that line. And we have actually set aside in my to-be-

- 1 encumbered number, it includes the \$250,000 for that
- 2 project, as well as the in-line review project of fifty,
- 3 but this is the remaining uncommitted amount.
- 4 CHAIRPERSON GALAMBOS MALLOY: And then
- 5 Commissioner Blanco.
- 6 COMMISSIONER BLANCO: I had that, as well as the
- 7 staff travel and venue, what those budgeted, but
- 8 unencumbered, just an explanation of those two?
- 9 MS. DAVIS: Okay, the staff travel is the
- 10 remaining amount that we have available for the staff.
- 11 We actually have a line item for the Commissioners for
- 12 their per diem and their travel. This is staff travel.
- 13 Now, since we put this document together, I received the
- 14 travel from the staff coming in, so I need \$4,000 of this
- 15 \$24,000 because I actually have travel plans from this
- 16 last outing from last week.
- 17 COMMISSIONER BLANCO: Thank you.
- MS. DAVIS: And then the venues is the remaining
- 19 amount that we had not committed, we got some savings
- 20 because some of our venues were given to us, so we wanted
- 21 to leave something there so, as these things come up,
- 22 we'd have a place to draw from.
- 23 CHAIRPERSON GALAMBOS MALLOY: I see an additional
- 24 question. Commissioner Parvenu.
- 25 COMMISSIONER PARVENU: Real quick, an explanation

- 1 of the web posting for \$13,000, is that the live video
- 2 feed that we is that what that is? Can you explain?
- 3 MS. DAVIS: It's the server, the postings, and
- 4 this is what is left, but even with this amount, after we
- 5 put our document together last week, I had meetings with
- 6 Christina saying that they needed more, and so this is
- 7 where I have to come to, to tap because it wasn't
- 8 committed committed, but we had set aside a large block
- 9 of money from the beginning.
- 10 COMMISSIONER WARD: Are there any other
- 11 highlights, Debra, that need to be addressed?
- MS. DAVIS: Not on that document, no.
- 13 COMMISSIONER WARD: Any other at all?
- MS. DAVIS: Just the other couple of charts. I'm
- 15 not sure if they really need any discussion because you
- 16 guys have seen those.
- 17 COMMISSIONER WARD: Wonderful, thank you for
- 18 putting that together.
- 19 CHAIRPERSON GALAMBOS MALLOY: Thank you.
- 20 COMMISSIONER WARD: Great. And the last item on
- 21 the agenda is a Revision and Adoption of Policy Manual.
- 22 And I understand the adoption has been completed, but
- 23 there were some revision options in regards to that. I
- 24 sent out an email inappropriately asking people to send
- 25 any input or updates to it to Commissioner Yao, I tasked

- 1 him without him knowing it, but anyway, my understanding
- 2 is none have come in at this point -- oh, so we have some
- 3 late submissions. So, the important thing to know on
- 4 that is that it is a living document. At any time, if
- 5 there is revision, update, and things like that, this
- 6 document can continue to grow with us, so we just need to
- 7 get the information to the appropriate lead and get it
- 8 tracked on the Google Doc, and we'll get it updated from
- 9 there. Is there any additional input?
- 10 CHAIRPERSON GALAMBOS MALLOY: I do have a
- 11 suggestion, an amendment, but I wanted to take if there
- 12 are feedback from other Commissioners on amendments
- 13 first, I'll entertain those. Commissioner Dai.
- 14 COMMISSIONER DAI: Yes, Mr. Claypool, the last
- 15 time we looked at this document, I think we approved it
- 16 in early April, we had asked you to take this back and
- 17 modify what is now Section 3, the Communications
- 18 Protocol, to include how we handle public comment, you
- 19 know, that is inoffensive [sic] or inappropriate, and we
- 20 have some standards for posting public comments on our
- 21 website, but also we wanted to make those comments
- 22 available to Commissioners so that they were aware of any
- 23 problematic comments that were coming in.
- 24 EXECUTIVE DIRECTOR CLAYPOOL: And I have to
- 25 apologize for that, as we looked back at it, I was

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- 2 Commissioner Galambos Malloy had asked that that be
- 3 placed in, I believe, and as I looked at the document, I
- 4 realized that they weren't there. And, again though, as
- 5 Commissioner Ward has pointed out, it's a living
- 6 document, we will get those in this week, this evening,
- 7 whenever we need to, and we'll place them back in. And
- 8 then it'll be set.
- 9 COMMISSIONER DAI: So, a question on that.
- 10 Before we had talked, I think, when I was chairing, when
- 11 I spoke with Ms. Shoup about it, that the idea was to go
- 12 ahead and put those in a separate Google Doc so that
- 13 other Commissioners could refer to it whenever possible.
- 14 Is that still the plan? The ones that we yanked?
- 15 EXECUTIVE DIRECTOR CLAYPOOL: I think as we get
- 16 your instruction on how to work with Google Document, no,
- 17 it's still the plan. We need to put them up. We also
- 18 need to post it on our website at the same time, but I
- 19 think if we're making the revisions, the easiest way is
- 20 to get it out on Google Docs and we'll do that.
- 21 COMMISSIONER DAI: Okay, no, I meant -- these
- 22 were the public comments that were determined to be
- 23 offensive and --
- 24 EXECUTIVE DIRECTOR CLAYPOOL: Oh, oh -
- 25 COMMISSIONER DAI: That those were going to be in

- 1 a place where Commissioners had access, but we weren't
- 2 going to put it on our website.
- 3 EXECUTIVE DIRECTOR CLAYPOOL: I apologize for
- 4 that. And I believe that she has been providing those,
- 5 but it moved past me that these should be in Google Docs.
- 6 So we'll go there.
- 7 COMMISSIONER DAI: I'll provide instruction.
- 8 EXECUTIVE DIRECTOR CLAYPOOL: Thank you.
- 9 CHAIRPERSON GALAMBOS MALLOY: Are there any other
- 10 suggestions on revisions to the Code of Conduct in the
- 11 Policy Manual? And if there are none, which I'm not
- 12 seeing, I do have a suggested amendment to this document
- 13 and it refers specifically to page 6, you don't need to
- 14 get yours out, it's very brief if I can just share it
- 15 with you, it is in regard to Section 3 where we talk
- 16 about our communications protocol. And essentially, our
- 17 chain of command on how issues that evolve in between
- 18 Business Meetings are handled under the leadership of the
- 19 Chair and the Vice Chair, and I really think we need to
- 20 draw our attention to this item and do some fine tuning.
- 21 And before I get to my suggestion on how we do that, I
- 22 would like to provide a little bit of context for where
- 23 I'm coming from in making this suggestion and these
- 24 remarks.
- 25 I believe at this point the full Commission is

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- 2 leadership of Commissioners Barabba and Ancheta before
- 3 me, that an administrative inquiry was made into
- 4 allegations of impropriety in between a Commissioner and
- 5 one of our consultants. First of all, I would like to
- 6 take this opportunity to thank our staff for rising to
- 7 the occasion and conducting a thorough, full, and what I
- 8 would say, unbiased investigation into the matter, so
- 9 thank you for that, playing that role. I'm also pleased
- 10 to report that, as a result of this inquiry, that a
- 11 satisfactory conclusion was actually reached on the part
- 12 of all parties involved, and that we can say, as a result
- 13 of the information that we now have, that there was no
- 14 wrongdoing on anybody's part, and that we can really
- 15 chalk this entire incident up to plain and simple
- 16 misunderstanding and miscommunication, which, given the I
- 17 think stress, and lack of sleep, and working conditions
- 18 that we are all under, as Commissioners, as staff, as
- 19 consultants, it should be no surprise.
- 20 Earlier this week, as Chair, I provided the
- 21 Commissioners with the pertinent information and, you
- 22 know, directed us all that we had the responsibility as
- 23 individual Commissioners to take the matter into
- 24 consideration, so that we are all on the same page moving
- 25 forward, that this matter has been investigated, has been

- 1 satisfactorily resolved, and that there are no
- 2 outstanding questions on the part of impropriety of any
- 3 of the parties involved. I just want to take this moment
- 4 to pause and be absolutely clear that we have all
- 5 reviewed the information and that we are on the same page
- 6 about that, and if I do not hear any outstanding concerns
- 7 or dissent on that matter, then I would like to, on the
- 8 record, say as Chair on behalf of the Commission that an
- 9 administrative inquiry was made, the issue was
- 10 satisfactorily resolved, and we can move forward from
- 11 here. So, let me pause for a moment to see if there are
- 12 any Commissioners who have anything they would like to
- 13 share on this item. Commissioner Forbes.
- 14 COMMISSIONER FORBES: Yes, let me ask a question.
- 15 I read the report and it goes without saying that, as a
- 16 body, given what we're doing, with team work, and mutual
- 17 respect, and confidence in each other, it's really
- 18 central to the way this Commission is going to work
- 19 successfully, and as you said, it appears to me that none
- 20 of those involved even made any allegations -- any of
- 21 those directly involved -- made any allegations at all,
- 22 and so I guess I have a couple questions and I think it's
- 23 useful for the public to hear this, as well, is how did
- 24 -- what caused the investigation to occur procedurally.
- 25 And also, is there a way that, if you will, the genie

- 1 could be put back in the bottle? Is there a way to go to
- 2 a status quo ante? Go back to that, or are there any
- 3 implications to a negative report? And if so, is there
- 4 any way to sort of expunge the negative report? I mean,
- 5 those are the kinds of things, and so I'd just like to
- 6 have our counsel or whoever is the appropriate person
- 7 address those questions.
- 8 CHAIRPERSON GALAMBOS MALLOY: I would like to say
- 9 a couple of sentences and then I'll pass the microphone
- 10 over to Mr. Miller. The issue was brought to light by an
- 11 individual Commissioner who reached out to our Chief
- 12 Legal Counsel and said "this is a situation I've been
- 13 made aware of," our Chief Counsel then went to our Acting
- 14 Chairs at the time, and the Chairs made the call, they
- 15 felt like we needed to move forward with an
- 16 investigation, and to do so with some urgency, as you
- 17 want to resolve these matters and ensure that a
- 18 productive working environment is created at all times.
- 19 My observation as Chair and sort of a secondary, but
- 20 central item that I want to come back to after we have
- 21 this conversation, is that we in our Code of Conduct, in
- 22 our Commission's Communications Protocol, I think, have
- 23 been very clear that the chain of command, when issues
- 24 arise in between Business Meetings, is that individual
- 25 Commissioners are not to go to staff, they are to go to

- 1 the Chair and the Vice Chair, and to flag any issues, and
- 2 that it really sits under the leadership of the Chair and
- 3 the Vice Chair, it is at their sole discretion on how to
- 4 move forward. And a couple of things, 1) I have noticed
- 5 as Chair, and even in times when I am not acting as
- 6 Chair, that there are many times when Commissioners,
- 7 staff, consultants, have violated this protocol. I think
- 8 that the majority of the times it has not been
- 9 intentional, but nonetheless, that we have not followed
- 10 that procedure as tightly as we should have. So, 1) is
- 11 in terms of reminding ourselves what our protocol is, and
- 12 agreeing that we will adhere to that with the strictest
- 13 standard, and I think the second piece of that is, as it
- 14 is currently noted in our protocol, this protocol does
- 15 not actually extend to Chief Counsel or kind of other
- 16 members of staff, and I think in this case we had an
- 17 incident where Chief Counsel was the person who was
- 18 contacted, and I think we actually need to broaden our
- 19 communications protocol so that it's clear that issues
- 20 all go through the Chair, not just the ones that would
- 21 pertain to the Executive Director. So, we can come back
- 22 to that point regarding the agenda item on the manual,
- 23 but for your other questions, Mr. Forbes, I would turn it
- 24 over to Mr. Miller -- and Ms. Johnston, who has joined us
- 25 this morning.

- 1 MR. MILLER: That was a pretty complete answer.
- 2 I would just say that the matter was brought to my
- 3 attention with gravity and, as framed, constituted an
- 4 allegation that required follow-up, and the procedure we
- 5 used to pursue that was to go back to the Chair and Vice
- 6 Chair to request instruction. And the follow-up was, in
- 7 fact, really as simple as two interviews.
- 8 COMMISSIONER FORBES: Is there any implication -
- 9 I mean, what is the effect, if any, or implications of a
- 10 negative report? And is there, I mean, should we
- 11 consider that, as a result, any negative report -- the
- 12 situation is as if it had not happened? I mean, just or
- 13 status quantum, or whatever the appropriate phrase would
- 14 be?
- MR. MILLER: Well, I think one could answer yes
- 16 to that question, I don't mean to draw too fine a line,
- 17 there was a conversation that occurred that we inquired
- 18 about --
- 19 COMMISSIONER FORBES: Right.
- 20 MR. MILLER: -- so, yes, that happened. It is
- 21 clear that the conclusion of the report is unambiguous
- 22 that there was no misconduct associated with that
- 23 conversation.
- 24 COMMISSIONER FORBES: So that, then, there is no
- 25 further implication that can be drawn from a negative

- 1 report? I mean, I just want to be sure that there's not
- 2 some sort of cloud out there, that's all.
- 3 MR. MILLER: The report should, based on its
- 4 conclusions, take away any cloud because it's
- 5 unambiguous.
- 6 COMMISSIONER FORBES: Thank you.
- 7 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 8 Filkins Webber.
- 9 COMMISSIONER FILKINS WEBBER: Well, it certainly
- 10 doesn't take away the cloud that we've just created for
- 11 the members of the public because absolutely nobody has
- 12 any idea what we're discussing at the moment. I share
- 13 Commissioner Malloy's concerns regarding the protocol and
- 14 the chain of command that's outlined in the procedure.
- 15 As the lead of the Legal Advisory Committee, I think that
- 16 this Commission should know that I was not aware of any
- 17 circumstances that gave rise to this inquiry, or this
- 18 investigation that took place. I was not notified that
- 19 any inquiry or a request had been made by any individual
- 20 Commission member, nor was I ever advised that this
- 21 Commission as a whole actually had requested staff to
- 22 perform an inquiry, or an investigation. As I understood
- 23 it, the process and procedure was that the Commission as
- 24 a whole would make the recommendation for staff, when
- 25 staff was supposed to conduct any tasks, just which, as

- 1 we have done earlier in our advisory committee meetings.
- 2 But as it turns out, the inquiry and the investigation
- 3 that took place occurred without the concurrence of the
- 4 full Commission. And when you're talking about the
- 5 potential gravity of the outcome of this investigation, a
- 6 failure to have a concurrence of the full Commission
- 7 directing staff under these circumstances is quite
- 8 troubling to me. So, although we have a general protocol
- 9 regarding the communication going through the Chair and
- 10 the Vice Chair, this is much more troubling because what
- 11 you have is a circumstance where there was not full
- 12 concurrence of the Commission. And it may not have been
- 13 necessary, but our present policy shows that a failure to
- 14 have a policy based on the magnitude of this particular
- 15 circumstance, or the potential effect of this policy, is
- 16 very difficult. The information that had been received,
- 17 at least that I've received at this point, given that I
- 18 had no knowledge of the circumstances that concluded, is
- 19 that the initial allegation and the accusation actually
- 20 came from Commissioner Maria Blanco, based on her own
- 21 concern, and that Ms. McDonald, the principal of Q2,
- 22 confirmed that she did not make any complaint to the
- 23 Commission, nor did she request any investigation. And
- 24 the final result of that shows that the initial
- 25 accusation was unfounded and it was not substantiated by

- 1 any of the parties involved. So, what this shows is that
- 2 the policy we presently have for this, the failure to
- 3 have a full concurrence of this Commission, under the
- 4 circumstances, permitted an individual Commission member
- 5 to commence a process that was not likely necessary, and
- 6 a process that has clouded the work of this Commission,
- 7 from my perspective, and basically this inquiry had not
- 8 been supported by anybody that had been involved, based
- 9 on the information I've received today. At this time,
- 10 the report and the inquiry, and this entire scenario, has
- 11 resulted in undermining the integrity of Commissioner
- 12 Ward, and as a possible ability to work effectively with
- 13 Q2. He has every right to address this issue in an open
- 14 public hearing which is the purpose that I think needs to
- 15 be done by bringing up this protocol, and he has the
- 16 right to do so in his own defense because there was no
- 17 apparent misconduct whatsoever, and such was never
- 18 confirmed by those that were involved. So, based on the
- 19 policies and protocol that we presently have, we should
- 20 reconsider whether it is sufficient just to have such
- 21 communication through the Chair and the Vice Chair only,
- 22 especially under circumstances where the potential
- 23 outcome is substantial. And just as Commissioner Forbes
- 24 had asked Mr. Miller the potential outcome, had it been
- 25 true, had it been substantiated, which it wasn't, would

- 1 have been potentially devastating to this entire
- 2 Commission. So we need to probably reconsider how you
- 3 deal with this type of circumstance, rather than it just
- 4 simply being a Chair and Vice Chair decision, this was a
- 5 circumstance that should have been brought to the
- 6 attention of the full Commission.
- 7 CHAIRPERSON GALAMBOS MALLOY: So, as you can
- 8 anticipate, I have a stack of Commissioners, and I would
- 9 like to take the opportunity for -- I don't want to hear
- 10 a Commissioner twice until I've exhausted every
- 11 Commissioner being able to weigh in, so with that, I have
- 12 Commissioners Dai, Ancheta, Di Guilio, and Blanco.
- 13 COMMISSIONER DAI: Yes, I don't think we want to
- 14 get confused about something that is considered a
- 15 personnel matter and has very strict privacy
- 16 considerations under State law. I also don't think we
- 17 want to get confused about the role of the Legal Advisory
- 18 Committee, which is to help us with issues regarding the
- 19 redistricting matters, the purpose of our Commission, vs.
- 20 our Chief Counsel, who is to actually be our legal
- 21 counsel to the Commission. So, I think it's important to
- 22 not confuse something that is a personnel matter that is
- 23 protected under the law, the privacy of the individuals
- 24 involved.
- 25 CHAIRPERSON GALAMBOS MALLOY: Commissioner

- 1 Ancheta.
- 2 COMMISSIONER ANCHETA: I would agree with that
- 3 point. I do want to address Commissioner Filkins Webber's
- 4 first point, which is the appropriate power of the Chair
- 5 and Vice Chair at the time. Because the Chair and Vice
- 6 Chair are empowered between meetings, and this occurred
- 7 between meetings, and in any circumstances they would
- 8 have the power to do that because there was a
- 9 transitional period between myself and Commissioner
- 10 Barabba at this time, but it did occur between meetings,
- 11 we had done some initial inquiries, but this was on a
- 12 separate track compared to what Mr. Miller had been
- 13 starting. But I don't think there is any question about
- 14 the authority of the Chair and the Vice Chair to act at
- 15 that time.
- 16 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 17 Guilio.
- 18 COMMISSIONER DI GUILIO: And I would just say
- 19 with this, I feel like someone who is not the legal
- 20 person here, but just as a member of the Commission, is
- 21 that I understand the protocol is that we do go to the --
- 22 if there are issues, we go to the Chair and talk to them
- 23 about it. But I have a real issue with Commissioner
- 24 Filkins Webber saying this has to be a decision by the
- 25 full Commission. And my understanding with any of these

- 1 personnel issues, that there is a certain protocol that
- 2 has to happen, and that has to be followed. And it's not
- 3 a group decision once allegations of any type are made,
- 4 whether they're valid or not, you have to follow-up. I'm
- 5 just thinking of our training that we just went through,
- 6 it's not the same as sexual harassment, I understand
- 7 that's not the issue at hand here, I'll make it very
- 8 clear about that, but in my non-legal mind, it's like,
- 9 well, any allegation has to be investigated, that's the
- 10 responsibility that we have as a State agency to do that.
- 11 And whether there's findings or not, the process has to
- 12 play out, and that's not for the full Commission to make
- 13 a decision on. I don't think that's our privy at all.
- 14 If the Chair and the Legal Counsel say so, then that's
- 15 their decision, but I just find this issue should be
- 16 personnel and taken care of as such. I just have a
- 17 problem with it being brought to the full Commission and
- 18 to the public like this, it's just not the right in my
- 19 mind, it's not the right process for it to be aired in
- 20 the way that Commissioner Filkins Webber has presented
- 21 it.
- 22 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 23 Blanco.
- 24 COMMISSIONER BLANCO: Yes, since my name has been
- 25 brought into this matter, I want to clarify a couple of

- 1 things, 1) there is no doubt that when something like, in
- 2 my mind, that when a report comes to me, or when somebody
- 3 says something to me, not even in the form of a report,
- 4 that potentially exposes the Commission to liability,
- 5 that I think all Commissioners, whatever their
- 6 circumstances, do not have to rely on an official report
- 7 if we think we're facing a potential liability to act on
- 8 it. That's number one. Having worked in the area of
- 9 Employment for many years, in both harassment,
- 10 discrimination, you name it, I know the liability of an
- 11 Employer when they do not act on something they hear,
- 12 even if it's not in the form of a report, and I think we
- 13 all went through this in the form of the sexual
- 14 harassment training, but it applies to other areas, as
- 15 well. So, I would strongly disagree that, without a
- 16 report, an official complaint being filed, that once I
- 17 heard something that I should have not acted upon it
- 18 without a formal complaint, because that would actually
- 19 expose the Commission to liability if, in fact, the
- 20 person didn't file a complaint, but something had
- 21 happened. So, I think that's legally the law, and I hope
- 22 that the Commission sees that that is the responsibility
- 23 of all Commissioners, not just myself in that situation,
- 24 but going forward; if anything were to happen, I think we
- 25 should be clear that we do not wait for a complaint to

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- 2 the Commission, that's number one. Number two, I want to
- 3 clarify because I think it's been the sequence of events
- 4 has been represented inaccurately that it went straight
- 5 to Mr. Miller. I first conferred immediately with the
- 6 Chair and Vice Chair that were right there, and then the
- 7 Vice Chair and the Chair said, "Why don't you call our
- 8 Chief Counsel and get advice?" So I was acting in
- 9 response to the Vice Chair and the Chair's request of me,
- 10 that I call Mr. Miller. Secondly, I decided to do it
- 11 immediately and everybody asked me to do it immediately,
- 12 and in fact, not bringing it to a full body was based on
- 13 my knowledge that, in these situations, what you're
- 14 trying to deal with is confidentiality and privacy issues
- 15 for everybody involved. You do not -- because
- 16 investigations often lead to conclusions that nothing is
- 17 wrong, you want to keep the investigation as -- you want
- 18 it to happen as quickly as possible and with as much
- 19 privacy as possible for all the individuals involved
- 20 precisely so that we're not in a situation like the one
- 21 we're in today, where somebody has their potential
- 22 reputation, or character, whatever, questioned. And that
- 23 is the reason you don't in these investigations, the
- 24 preferred way to handle them is directly with counsel in
- 25 a small private way, and quickly, so that, in fact,

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- 2 should also, if we want to amend this, we should have a
- 3 stronger explanation and it's not novel to us, you know,
- 4 in any of the training that we did, you'll see the
- 5 discussion of how you handle investigations to protect
- 6 the confidentiality of all the parties involved, it's not
- 7 something we have to reinvent, we could look at existing
- 8 case law, in fact, and put it in our protocol about how
- 9 you protect the parties involved, and I actually think
- 10 that bringing it to a full Commission goes against the
- 11 standard of trying to conduct these things in as
- 12 confidential manner as possible.
- 13 CHAIRPERSON GALAMBOS MALLOY: Commissioner Raya
- 14 is next in the stack.
- 15 COMMISSIONER RAYA: I'm really very troubled by
- 16 what should have been an entirely confidential matter,
- 17 having been brought into a public forum. I can only
- 18 assume that Commissioner Ward gave his permission to have
- 19 his name brought into the discussion. I was present when
- 20 the matter came to the attention of some Commissioners
- 21 following the meeting, I was present when it was brought
- 22 to the attention of the Chair and Vice Chair at that
- 23 time, and I look at it as in the same way, as an Employer
- 24 and as someone who believes very strongly that these
- 25 things should be held in confidence and handled

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- 2 that it warranted the attention of our legal counsel, not
- 3 our Legal Advisory Committee, because our Legal Advisory
- 4 Committee does not advise us as counsel. Well, you know,
- 5 it's just very troubling to me that we've come -- that
- 6 despite the best efforts to maintain this as a
- 7 confidential matter, it has been brought into the public.
- 8 You know, I guess I would say to the public, I don't
- 9 think it's a matter it is a personnel and confidential
- 10 matter, and I don't think it's anything that has to do
- 11 with the work of the Commission, and I would hope that we
- 12 could just acknowledge that if we're satisfied that the
- 13 investigation was done in an appropriate manner and the
- 14 conclusion was reached, regardless of whether we agree
- 15 with the conclusion or not really doesn't matter anymore,
- 16 it's a done deal and we should just put it where it
- 17 belongs, in a closed drawer and move forward, adhering to
- 18 the protocol of notifying the Chair or Vice Chair, but
- 19 also keeping in mind that there may be circumstances
- 20 where perhaps there's a good reason you don't want to
- 21 bring a particular matter to the Chair or it's just
- 22 something that you think requires immediate action and so
- 23 you go to whatever appropriate person you can go to in
- 24 that moment. I think it was handled as well as could be
- 25 expected under the circumstances and, having been

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- 2 CHAIRPERSON GALAMBOS MALLOY: Commissioners Yao
- 3 and then Aguirre.
- 4 COMMISSIONER YAO: When we got to this matter, I
- 5 don't think anybody is questioning the intent, I don't
- 6 think anybody is questioning the practice, I don't think
- 7 anybody is questioning as to what we did was right or
- 8 wrong. I think the whole issue, not only in this matter,
- 9 but in a lot of general matters, is it's not
- 10 communicated. The 14 of us is a single Commission, and
- 11 those that received -- those who have the information are
- 12 often looked upon as having privy to information, and
- 13 those that don't have it felt like they're being left out
- 14 of the process. At the end of it, even though we have a
- 15 Chair, we have a Vice Chair that are tasked to make the
- 16 decision, but that doesn't -- that shouldn't negate the
- 17 responsibility of having the information flow to all 14
- 18 members as soon as possible, not when an investigation is
- 19 complete, not when decisions are made, it is as soon as
- 20 possible, that that information should be flowing to
- 21 every member. As I listen to the various discussions
- 22 today, I don't think any of us are questioning whether
- 23 anybody did anything wrong; I think the essence of the
- 24 message is that we need to be part of it, regardless of
- 25 how tough the situation is, and regardless of what the

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- 2 reason for not doing it, I don't think that really should
- 3 or will work in a structure that we're in, given 14
- 4 people having basically equal amount of authority in
- 5 making decisions in this whole process.
- 6 CHAIRPERSON GALAMBOS MALLOY: I'd like to hear
- 7 from Commissioner Aguirre.
- 8 COMMISSIONER AGUIRRE: Yes and, in my previous
- 9 life as an administrator, I often had to deal with
- 10 personnel issues where there was a complaint that would
- 11 come to me by either a student, or another staff member,
- 12 and immediately when that complaint came up to me, I was
- 13 required to treat it as a confidential matter and quickly
- 14 put a lid on any further discussion pending an
- 15 investigation that I would conduct. At that point, it
- 16 was incumbent upon me to protect the confidentiality of
- 17 all parties involved, and that I would move forward
- 18 diligently within a policy that was established, to look
- 19 into the facts, and I would conduct an investigation and
- 20 interviewing both parties, or more, others who were
- 21 involved, again emphasizing the confidentiality of the
- 22 individuals that were involved originally, and at all
- 23 times, then, I would be recording all my findings by date
- 24 and time, etc., etc., within the policy that was
- 25 established. So, at this point, I think that I don't

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- 2 and the way that they acted, I think that we followed the
- 3 policy in moving forward with our Chair and Vice Chair,
- 4 and I'm troubled now that Commissioner Ward's name has
- 5 been raised and, again, through the comments of one
- 6 Commissioner, perhaps by his consent, that we should end
- 7 this discussion at this time, given that raising of that
- 8 confidential issue, and we should move forward with
- 9 further discussion on this issue in closed session
- 10 because I'm afraid that liability has been brought up by
- 11 the disclosure of his name and I'm very concerned about
- 12 any further actions on the part of individual Commission
- 13 members in pursuing this matter any further. So, unless
- 14 there is a non-acceptance of that final report that came,
- 15 and I think that we should get that in writing from all
- 16 parties involved, then I would refer this case to closed
- 17 session for further discussion.
- 18 CHAIRPERSON GALAMBOS MALLOY: Commissioner Ward
- 19 is in the stack and, as I transition to allowing him an
- 20 opportunity to weigh in, I'd like to suggest a framework
- 21 for how we proceed with this item, that we separate out
- 22 the different pieces of what we're looking at. One is, I
- 23 believe Commissioner Ward justifiably has requested can
- 24 we come to an agreement and acknowledgement as a full
- 25 Commission that this matter was fully investigated and

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- 2 was no wrongdoing on the part of any of the parties that
- 3 were involved? That's the first piece. To me, the
- 4 second piece, then, is what can we learn from this moving
- 5 forward and what clarifications, revisions need to be
- 6 made to our Code of Conduct and to our Policy Manual to
- 7 make sure that, moving forward, we are crystal clear on
- 8 what we as Commissioners, staff, and consultants are all
- 9 on the hook for. So the first question that I'm going to
- 10 pose to you, because I promised Commissioner Ward I would
- 11 do this, are we as a Commission in agreement that we are
- 12 satisfied that there has been no wrongdoing and that the
- 13 matter has been thoroughly and efficiently investigated?
- 14 COMMISSIONER FORBES: What do you need from us?
- 15 CHAIRPERSON GALAMBOS MALLOY: I would actually
- 16 entertain a motion.
- 17 COMMISSIONER FORBES: So moved.
- 18 COMMISSIONER BLANCO: Second.
- 19 CHAIRPERSON GALAMBOS MALLOY: The floor is open
- 20 for a discussion on the motion.
- 21 COMMISSIOENR ANCHETA: A point of order, we need
- 22 language on the motion.
- 23 CHAIRPERSON GALAMBOS MALLOY: Could I ask
- 24 Commissioner Forbes to state a full motion?
- 25 COMMISSIONER FORBES: Yes. Let's see if I can

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- 2 the report on this matter, and that it is our conclusion
- 3 that no wrongdoing was done by anyone involved in this
- 4 matter.
- 5 COMMISSIONER BLANCO: I second that.
- 6 CHAIRPERSON GALAMBOS MALLOY: The floor is open
- 7 for discussion on the motion. Commissioner Dai, then
- 8 Ward, and then Raya.
- 9 COMMISSIONER DAI: I appreciate the spirit of the
- 10 motion, I'm just very concerned that the discussion has
- 11 even happened in open session, given State laws for
- 12 confidentiality of personnel matters, and I wonder if our
- 13 Legal Counsel can advise us on how we fix this.
- 14 COMMISSIONER FILKINS WEBBER: I would also like
- 15 to know that because there is nothing in the material
- 16 that has been provided to us that this was a personnel
- 17 matter. There's nothing in the information -
- 18 CHAIRPERSON GALAMBOS MALLOY: I believe we do
- 19 actually have a stack, Commissioner Filkins Webber. Dai
- 20 and then Ward -
- 21 COMMISSIONER FILKINS WEBBER: Well, given that
- 22 everybody continues to bring this up, I have never been
- 23 advised that this is a personnel matter, it's not.
- 24 CHAIRPERSON GALAMBOS MALLOY: So at this point, I
- 25 would like to, as we have just requested, Commissioner

- 1 Dai would like to hear from Mr. Miller, with whom we have
- 2 had extensive conversations on this matter.
- 3 MR. MILLER: Well, in this instance, the report
- 4 concludes only that a conversation occurred and that the
- 5 conversation was appropriate. As such, I guess it would
- 6 be fair to say that it was initially characterized as a
- 7 personnel matter, but based on the conclusions of the
- 8 report, it is not at this time a personnel matter. So, I
- 9 think an appropriate way to proceed would be for the
- 10 Commission to accept the report pursuant to the motion,
- 11 and if the Commission wishes to separately consider
- 12 additional procedures about how it conducts its business
- 13 around this or anything else, obviously you should do
- 14 that, but that is a subject for a public meeting, which
- 15 is simply pursuant to what procedures is business
- 16 conducted.
- 17 CHAIRPERSON GALAMBOS MALLOY: Thank you.
- 18 Commissioner Ward, Raya, and then Forbes.
- 19 COMMISSIONER WARD: I'm interested in advancing
- 20 the conversation and moving it forward, but this was my
- 21 first chance to speak, so there are a few things I want
- 22 to say. I can't support this motion the way it is read
- 23 for several reasons, but I want to start with addressing
- 24 my fellow Commissioners who have commented on this matter
- 25 publicly and ask you to not assume anything. We've

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- 2 and what didn't happen, making an assumption about
- 3 motives, is what causes problems, so let's not assume
- 4 anything. And two Commissioners, despite an independent
- 5 investigation, saying that -- an independent
- 6 investigation saying that two parties make no claims, yet
- 7 I've heard two Commissioners in their comments make
- 8 reference to serious allegations that were brought
- 9 forward. Commissioner Blanco has established herself as
- 10 an expert in these issues and understands precisely the
- 11 risk that is inherent in claims being made, and despite
- 12 an independent investigation in which all parties were
- 13 asked to give their side, not a single claim or
- 14 allegation was listed. So, I would like to know exactly
- 15 precisely what an expert opinion Commissioner Blanco felt
- 16 so risk averse that needed to be brought forward to the
- 17 staff; also, her public comments today are not consistent
- 18 with what the independent and partial report said
- 19 happened. At no point, to the contrary, information is
- 20 that she was not asked to report this to staff counsel,
- 21 that our Chair and Vice Chair were notified in complete
- 22 compliance with our Policy Manual, had made a decision
- 23 and proposed a course of action, and that that course of
- 24 action was summarily disregarded and action was taken
- 25 independently. And the reason why I can't support this

- 1 motion is because I want to thank staff, I think that in
- 2 light of what the conversation was that was brought to
- 3 them, they acted swiftly, and they acted completely. I
- 4 think that they did a thorough and complete job of
- 5 investigating this matter. And the motion suggests that,
- 6 with this report in hand, that no misconduct of any kind
- 7 is established. And I would argue that this all came to
- 8 point here over a discussion about the policy manual.
- 9 The policy manual, as passed, applies to [quote] "all
- 10 employees, consultants, and legal counsel working for the
- 11 Commission." And I won't bore you with going through
- 12 point by point of this policy manual, but many many, if
- 13 not the majority of the points in here, per the
- 14 independent investigation, it would appear to have come
- 15 into question in this matter. So I can't come to the
- 16 conclusion based as independently on this report that
- 17 there was no wrongdoing from the standpoint of because
- 18 there is clearly a policy violation in here. We outline
- 19 clearly that if an allegation, or there is a problem by a
- 20 consultant or staff member, that it is to be taken to and
- 21 reported to the Chair, that if the Commissioner receives
- 22 it, they are to direct them to the Chair for action. We
- 23 all passed this. We all reviewed it. As a matter of
- 24 fact, as early as a week ago, I asked everyone to comment
- 25 and revise it and update it if you have any comments.

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- 2 forward, I can't support a motion that says that. As a
- 3 prior investigator, I understand how reports are
- 4 completed, they are impartial, but then they're referred
- 5 to the body for the body to make a determination based
- 6 off of them, and I would just say that, as one of the
- 7 aggrieved parties in this, I cannot in good conscience
- 8 leave -- I should say this in light of the Commissioner
- 9 input that has been given in this hearing -- I do not in
- 10 good conscience see how we can walk away from an
- 11 impartial investigation and report and say, "Oh, no
- 12 problems here." Thank you.
- 13 CHAIRPERSON GALAMBOS MALLOY: So I have several
- 14 Commissioners in the stack, who I will entertain before I
- 15 try to move us along on this topic, but Commissioner
- 16 Ward, I do have a question and clarification regarding
- 17 your remarks. In your mind, what would an action, a
- 18 motion on this item, that you as one of the parties
- 19 involved, would feel like would lead us to a mutually
- 20 satisfactory conclusion?
- 21 COMMISSIONER WARD: That's a fair question. I
- 22 think, to limit the comments, I think that as a
- 23 Commissioner, my fellow Commissioners need to understand
- 24 that some kind of allegation was made. To be honest, I'm
- 25 still not clear exactly what those were, and we're

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- 2 investigation, the results of that are clear and not in
- 3 question, however, there is what seems to be an impartial
- 4 finding of violations of the policy manual which, again,
- 5 aren't the worst thing in the world, but it certain is a
- 6 situation where the Commission is being presented with
- 7 something that needs to be addressed. We would address
- 8 this is it were to come in any other form, besides this
- 9 -- the vehicle of this investigation. So, in light of
- 10 the comments I've heard and the assumptions that have
- 11 been made, despite an independent body coming in and
- 12 reviewing this information, I would like to see what the
- 13 Commission's will is in dealing with the facts that came
- 14 out of it, specifically, if a consultant is unwilling to
- 15 converse with, or talk to, or provide information on any
- 16 given subject, how should that be handled? If in fact
- 17 information comes forward that is concerning to a
- 18 Commissioner, and they choose not to act in compliance
- 19 with the policy manual, what are we as a body going to do
- 20 about that?
- 21 CHAIRPERSON GALAMBOS MALLOY: So, Commissioner
- 22 Ward, if I may interject, I requested that we
- 23 conceptually separate two different halves of this
- 24 equation, one regarding the immediate issue at hand and
- 25 the report and being able to acknowledge it in some form

- 1 that the incident was resolved and we're moving forward,
- 2 and the second piece, which I think is a longer
- 3 conversation and one that we may want to do some work on
- 4 between now and the next Business Meeting, thinking about
- 5 what can we actually learn from this as it played out, in
- 6 a way that we revise our Policy Manual and our Code of
- 7 Conduct so that we prevent these types of missteps in the
- 8 future. So, the second piece, we are not going to
- 9 definitively conclude today. I think this has been a
- 10 useful start and we can use the time between now and the
- 11 next Business Meeting to give the Commissioners who,
- 12 really, this is the first time they've had to kind of
- 13 grapple with the issues at hand, an opportunity to think
- 14 about it, come up with their ideas on the matter. But
- 15 what we do need to actually come to some resolution in
- 16 the next few minutes on is how we can formally
- 17 acknowledge there was no wrongdoing and that we are
- 18 satisfied that we can put the immediate issue to bed. I
- 19 think that the piece around moving forward, how do we
- 20 want to deal with that as a Commission, is very
- 21 important, but I don't think we are actually going to
- 22 resolve that in the next few minutes. So, I think that,
- 23 as I heard Commissioner Forbes' motion, the intent was to
- 24 allow for some resolution, some formal acknowledgement on
- 25 the part of all Commissioners, that we have in fact

- 1 acquainted ourselves with the details regarding the
- 2 situation, that we feel comfortable that no wrongdoing
- 3 occurred, that we are pleased with the working
- 4 relationship between Commissioners, staff, and
- 5 consultants, and can move forward from here. And if
- 6 there are any ways you would suggest amending a motion,
- 7 because I think it would be important that this is
- 8 something that we can all come to agreement on.
- 9 COMMISSIONER WARD: I'll offer an amendment. I
- 10 think I would like to amend it that we move to accept the
- 11 investigation and the results that the allegations were
- 12 disproven.
- 13 CHAIRPERSON GALAMBOS MALLOY: Is that an
- 14 amendment that you feel comfortable with?
- 15 COMMISSIONER FORBES: I was going to add the part
- 16 that we would accept the report.
- 17 CHAIRPERSON GALAMBOS MALLOY: Okay, and the
- 18 person who seconded it, Commissioner Blanco? Can I have
- 19 the motion read back, please?
- 20 MS. SARGIS: I'm sorry, Commissioner Blanco, did
- 21 you accept that?
- 22 COMMISSIONER BLANCO: Yes.
- MS. SARGIS: So the motion is that the Commission
- 24 accepts the investigation and that the results of the
- 25 investigation are that the allegations were disproven.

1	CHAIRPERSON GALAMBOS MALLOY: The motion is up
2	for discussion and Commissioner Raya was in the stack
3	previously. Would you like to weigh in on this motion?
4	COMMISSIONER RAYA: Yeah, that was my question in
5	my mind was not that we were that the Commission was
6	saying we've established this, but that the investigation
7	did. I wonder if Commissioner Forbes and Commissioner
8	Blanco would accept rather than disproven, but something
9	more along the lines of not found to have any basis, or
10	something like that. I mean, I don't think there was an
11	active evidence to prove that they did not happen. One
12	further comment, I'm a little concerned, I thought I
13	heard Commissioner Ward say he had no idea what the
14	allegations were? Is that did I misunderstand you?
15	COMMISSIONER WARD: No.
16	COMMISSIONER RAYA: Okay, well, it certainly
17	raises a question in my mind how an investigation could
18	be complete if he doesn't know what the allegations were.
19	CHAIRPERSON GALAMBOS MALLOY: Would Commissioner
20	Ward like to expand?
21	COMMISSIONER WARD: Yeah, I understand the report
22	very well details that there was a concern about a verbal
23	exchange. As described, though, there is nothing agreed
24	by all parties involved that even suggests something
25	would be investigated. There is no misconduct alleged

- 1 out of the verbal exchange. So, the question is, what
- 2 exactly -- and in this case, again, I'm not bringing this
- 3 up, this has been put out there, Commissioner Blanco
- 4 spoke on the record, she established herself as an expert
- 5 in understanding these matters, and she's the one that
- 6 made the determination that there was an allegation that
- 7 is worthy of investigation, and to this day, I still am
- 8 not aware of exactly precisely what the allegation is, or
- 9 her perception of it, that warranted a call to our
- 10 General Counsel to kick off a formal investigation.
- 11 Again, you've read the report, none of the parties
- 12 involved allege anything that would drive an
- 13 investigation.
- 14 CHAIRPERSON GALAMBOS MALLOY: Commissioner Ward,
- 15 what I would like to do at this point, I would like to
- 16 ask our Chief Counsel to please clarify the nature of
- 17 what triggered the investigation. I think that, based on
- 18 my observations in facilitating this conversation, we are
- 19 in clear agreement that nothing happened, and so I would
- 20 like Mr. Miller to be able to provide a little bit more
- 21 context around what triggered the investigation. I would
- 22 then like to move us forward to offering the public a
- 23 chance to comment on this, and for us to actually vote on
- 24 the motion that is on the floor.
- 25 MS. JOHNSTON: If I could respond, what I was

- 1 asked to investigate was an allegation that a consultant
- 2 felt threatened and afraid, and that's what I looked
- 3 into.
- 4 CHAIRPERSON GALAMBOS MALLOY: So with that, I'd
- 5 like to invite, if there are any members of the public
- 6 who would like to comment on the motion that is currently
- 7 on the floor. Seeing none, Ms. Sargis, if you could
- 8 please do a roll call and if you could, just repeat the
- 9 motion one more time before we go.
- 10 VICE CHAIRMAN ONTAI: As amended.
- 11 CHAIRPERSON GALAMBOS MALLOY: As amended twice, I
- 12 believe.
- 13 MS. SARGIS: The motion as amended is that the
- 14 Commission shall accept the results of the investigation
- 15 by staff and that the results of the investigation are
- 16 that the allegations were found to have had no basis.
- 17 CHAIRPERSON GALAMBOS MALLOY: With that, let's do
- 18 roll.
- 19 MS. SARGIS: Commissioner Aguirre Yes;
- 20 Commissioner Ancheta Yes; Commissioner Barabba Yes;
- 21 Commissioner Blanco Yes; Commissioner Dai Yes;
- 22 Commissioner Di Guilio Yes; Commissioner Filkins Webber
- 23 Yes; Commissioner Forbes Yes; Commissioner Galambos
- 24 Malloy Yes; Commissioner Ontai Yes; Commissioner
- 25 Parvenu Yes; Commissioner Raya Yes; Commissioner Ward

- 1 Abstain; Commissioner Yao Yes.
- The motion passes.
- 3 CHAIRPERSON GALAMBOS MALLOY: So, with that, as a
- 4 next step moving forward, it is clear that there are, I
- 5 think, a number of lessons that we can learn from the way
- 6 that this played out. I think that there are still some,
- 7 you know, real clarifications that need to be made in
- 8 terms of, for example, the role of the Chair and the Vice
- 9 Chair between meetings regarding codifying in our Manual
- 10 and our Code of Conduct when an investigation is
- 11 triggered what are the steps that we must take; we need
- 12 to consider what type of notification is legal and
- 13 appropriate in terms of the full Commission. What I
- 14 would request that we do to move this along between now
- 15 and our next Business Meeting is that our incoming
- 16 Finance and Administration lead, Commissioner Dai, will
- 17 be the point for receiving feedback, ideas, in relation
- 18 to this entire Manual and Code of Conduct, but, again,
- 19 specifically honing in on the issues that we have been
- 20 able to discuss today. So, with that, I would be happy
- 21 to entertain three concluding comments before we break
- 22 for lunch. Commissioner Di Guilio.
- 23 COMMISSIONER DI GUILIO: I would like to request
- 24 that the Finance and Administration also, in addition to
- 25 looking at the Manual and the Policies and Procedures as

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- 2 guidance as to how we as a Commission deal with these
- 3 issues because I am deeply troubled that this came to the
- 4 level it did in terms of disclosure. I feel like any
- 5 person and part of this Commission, Commissioners, staff,
- 6 if they ever feel like they need to discuss something, or
- 7 have an issue brought to the attention of the Chair and
- 8 the Legal, that they have to know that there's
- 9 confidentiality issues, and I need to know a distinction
- 10 between personnel and confidentiality because, in my
- 11 mind, I've been involved in situations where people were
- 12 afraid of issues coming to light, and I feel like this
- 13 situation should never have reached the light of day that
- 14 it did, and if anyone else felt like there was ever an
- 15 issue, I think they'd be very hesitant to bring it now
- 16 because of something that has been established that I
- 17 think is just deeply -- as has been mentioned -- deeply
- 18 disturbing to me, so I need to have the Finance and
- 19 Administration come back with a set of guidelines for how
- 20 we as a Commission handle this in the future and to
- 21 ensure confidentiality.
- 22 CHAIRPERSON GALAMBOS MALLOY: And toward that
- 23 end, I would take the liberty of amending my previous
- 24 task, that it would behoove us to have the lead of Legal
- 25 and the lead of Finance and Administration potentially

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- 2 information. Of course, they will be looping in our
- 3 Chief Counsel, our legal staff.
- 4 COMMISSIONER DI GUILIO: I think Legal, you have
- 5 to address, Chair, that there is a difference between
- 6 Legal for Redistricting, and Legal for purposes of
- 7 Business, and maybe you need to have that discussed,
- 8 whether Legal should be involved or not because I think,
- 9 again, this is not about 14 people having access to
- 10 information as Commissioner Yao said, this is about it
- 11 being handled in the right way, which I assume is our
- 12 Legal Counsel.
- 13 CHAIRPERSON GALAMBOS MALLOY: Commissioner -- I
- 14 am sorry -- Mr. Miller, could you please weigh in on this
- 15 last point in terms of appropriate roles to provide legal
- 16 counsel to the Commission when it is regarding non-
- 17 Redistricting matters?
- 18 MR. MILLER: I'm sorry, could you restate the
- 19 question, please?
- 20 CHAIRPERSON GALAMBOS MALLOY: The question is, is
- 21 there a necessary I'm open to suggestions on restating
- 22 this, but is there an appropriate or necessary role at
- 23 all for the Legal Advisory Committee to play in regard to
- 24 legal matters that pertain to the Commission, that are
- 25 long the lines of non-redistricting matters? And you

- 1 could use the situation we were discussing today as an
- 2 example, case in point. If you're not prepared to
- 3 address this today, we actually don't have to.
- 4 MR. MILLER: What I would say is this, that in
- 5 the context of the work of most State Commissions, or any
- 6 that I'm familiar with, to the extent that there are
- 7 committees that work supports the mission and purpose of
- 8 that Commission, as opposed to the fundamental
- 9 infrastructure of how the Commission operates.
- 10 CHAIRPERSON GALAMBOS MALLOY: So, Commissioner
- 11 Dai, you know your assignment. I will, as promised,
- 12 there are two final comments that I haven't heard from
- 13 recently, Commissioner Yao.
- 14 COMMISSIONER YAO: Could I ask Commissioner Dai
- 15 to put such document on the Google Doc? I think the
- 16 public may be interested in seeing the Policy
- 17 Manual from this point on.
- 18 CHAIRPERSON GALAMBOS MALLOY: I believe that our
- 19 Policy Manual is actually on our website, what we're
- 20 actually discussing are potential revisions to the Policy
- 21 Manual, and so, at such time that those revisions are
- 22 brought to the Commission and we do decide to adopt them,
- 23 then the updated manual would certainly take the place of
- 24 that older document on the website. Commissioner Filkins
- Webber.

1	COMMISSIONER FILKINS WEBBER: This is certainly
2	important because, as Mr. Miller has concurred, this is
3	not a personnel matter, and so that is the reason I took
4	the approach that I did. Now, it's apparent that there
5	are plenty of other Commissioners that apparently have
6	been deeply involved with this issue, but I didn't see it
7	as a matter of privacy, I was never advised that this
8	would have been a private issue that would not be
9	discussed in an open public hearing. So, and in fact, I
10	had confirmed that earlier and we've had that discussion
11	with the Chair, in particular, and I'd sent an email
12	regarding my concerns, and so that's the entire point of
13	me raising the issue because there's nowhere that has any
14	Commission member, at least me, in particular, been
15	advised that this would not have been a topic of
16	discussion and that we couldn't get into any of the
17	details, or anything of that nature, so if there is going
18	to be any additional information put in this Policy
19	Manual, separating personnel issues, and identifying what
20	those would be, and how in particular this one isn't, or
21	turned out not to be one, anyway, the point is that there
22	is obviously several Commission members that are
23	concerned about my discussion today, but the point is
24	that we obviously don't have any clear guidance as to
25	what would be appropriate or inappropriate, but obviously

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- 2 inappropriate, but the reality is that legally it wasn't
- 3 because it turned out that it's not a personnel issue.
- 4 So, I just wanted to say that. And should that have been
- 5 the case, then it should have been communicated to each
- 6 of us with appropriate protocol, but this discussion is
- 7 not new, and the Chair was well aware that it was going
- 8 to come up, so I just wanted to finish concluding
- 9 statements based -- and so that all Commissioners are
- 10 aware that this is not an ambush, and we've had
- 11 discussions with Mr. Miller regarding this issue, as
- 12 well.
- 13 CHAIRPERSON GALAMBOS MALLOY: So with that, I
- 14 appreciate the candor of all the Commissioners who have
- 15 chosen to weigh in on this topic, it is a complex one. I
- 16 think that we do have, through this conversation, and
- 17 through just the chain of events that have happened over
- 18 the last couple of weeks, it's become clear, there are
- 19 gaps in our manual, there are gaps in our Code of
- 20 Conduct, and how those two documents are actually
- 21 implemented, how we carry forth with those charges that
- 22 we have undertaken for our various roles in this
- 23 Commission body. So, Commissioner Dai, you have your
- 24 work cut out for you. I look forward to -- I would
- 25 suggest that this actually be addressed with some urgency

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- 2 all of the positive outcome that we did agree to here
- 3 today, that, yes, there is still work to be done in
- 4 refining our Policies and Procedures, but at the end of
- 5 the day what we learned through this inquiry is that we
- 6 are all working together very productively under great
- 7 duress and that there has been no wrongdoing on the part
- 8 of anyone. So, thank you for your time on this matter.
- 9 I apologize that we will have a bit of a short lunch
- 10 break. It is now about 12:20, I would like to reconvene
- 11 at 1:00 because we did announce to the public that we
- 12 will be allowing for public comment right at 1:00, so in
- 13 case there are members of the public here, that way we're
- 14 here to receive them. And then, immediately after that,
- 15 we will move into line drawing with our consultants, Q2.
- 16 So with that, we will go into recess for our lunch break.
- 17 (Recess at 12:23 p.m.)
- 18 (Reconvene at 1:13 p.m.)
- 19 CHAIRPERSON GALAMBOS MALLOY: Good afternoon,
- 20 Commissioners and members of the public. I'd like to
- 21 welcome you back.
- 22 VICE CHAIRMAN ONTAI: Attention up there in the
- 23 peanut gallery.
- 24 CHAIRPERSON GALAMBOS MALLOY: We are all here
- 25 today at our June 2nd Business Meeting and Line Drawing

- 1 Instruction session for the California Citizens
- 2 Redistricting Commission. We do have a quorum present
- 3 and the first item of business for the afternoon will be
- 4 to allow opportunity for members of the public who would
- 5 like to comment on matters not on the agenda, and then we
- 6 will move directly into line drawing. So with that, are
- 7 there any members of the public present who would like to
- 8 make comment? Please, come forward. I believe our set-
- 9 up is that we have a mic available right here to my
- 10 right.
- MS. [UNIDENTIFIED SPEAKER]: Good afternoon. I'm
- 12 here to read a letter on behalf of Wilma J. Pinder. She
- 13 wasn't able to attend, so I'm reading it on her behalf,
- 14 and I have copies for the Commissioners. "Dear
- 15 Commissioners: Thank you for your consideration. My
- 16 name is Wilma J. Pinder. I am a retired attorney living
- 17 in Los Angeles, L.A.C.D. 33. I have been a part of the
- 18 L.A. African American community since 1945. My
- 19 education, K-12, was under the L.A. Public School System.
- 20 During the time, teachers taught and students learned.
- 21 Upon graduation from high school, my peers went directly
- 22 to college if they so desired. I earned degrees from
- 23 U.S.C. and UCLA School of Law. Then, education was not a
- 24 dream come true, it was a natural order of a blessed
- 25 life, and a byproduct of living in California. At one

- 1 time, California was the most progressive state. For me,
- 2 the political welfare of the residents of L.A. residents
- 3 remained a major concern. Like you, I know that the
- 4 Redistricting in California demands critical thinking and
- 5 fairness. Today, I write out of concern for the
- 6 directions you appear to have been giving your line
- 7 drawers regarding the seats in Southern California and,
- 8 particularly, in Los Angeles. Your instructions were
- 9 that, where it is possible to draw Assembly, Senate, and
- 10 Congressional Districts in which African Americans
- 11 constitute 50 percent of the Citizens Voting Age
- 12 Population, CVAP, the line drawers should do so. Based
- 13 on your discussions and the advice of your counsel, the
- 14 decisions appear to be based on the belief that Federal
- 15 law requires you to draw such districts if you can. I
- 16 respectfully disagree. Your reply would be appreciated.
- 17 Under Thornburgh v. Gingles, 478 U.S. 30 1986, a claim
- 18 under Section 2 of the Voting Rights Act requires a
- 19 three-part test to be met. The third prong is that the
- 20 minority must be able to demonstrate that the White
- 21 majority votes sufficiently as a block to enable it to
- 22 defeat the minority-preferred candidate. In the Los
- 23 Angeles Area, it is clear that any such claim by Blacks
- 24 would not meet this standard. Currently, there is no
- 25 Assembly, Senate, or Congressional Districts in Los

- 2 the population. Voting Age Population, VAP, or CVAP, yet
- 3 as shown in the chart below, there are four African
- 4 American Assembly Members, two Senators, and three
- 5 Congresswomen elected from this County." And there is a
- 6 table with the numbers listed below. "These numbers make
- 7 clear that there are not a sufficient number of White
- 8 voters to defeat the minority preferred candidate, or
- 9 those White voters do not vote as a block. Failure to
- 10 establish any of the pre-conditions is fatal to a claim
- 11 under Section 2. Further, even if by some extraordinary
- 12 leap of logic, the Commission were to determine that such
- 13 a block did exist, there is still not a legal basis to
- 14 conclude that the Commission is mandated to draw such
- 15 districts. Federal case law clearly allows the
- 16 Commission to consider the totality of the circumstances
- 17 and to consider alternatives to drawing majority/minority
- 18 districts still protecting the voting rights of the
- 19 protected class. The VRA, passed to protect those voting
- 20 rights, has historically been denied or abridged. Thus,
- 21 in applying the VRA, Commissioners would be well-served
- 22 to consider the practical impacts of those decisions on
- 23 these groups. All evidence and testimony in drawing the
- 24 districts where Blacks make up more than 50 percent of
- 25 the CVAP would negatively impact their ability to elect

1	candidates	$\circ f$	their	choice	The	Commission	should	rei	ect
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- 2 maps that will unnecessarily dilute the voting power of
- 3 African American communities by packing. Instead, it
- 4 should use the community of interest testimony in this
- 5 area to constitute districts that are both fair and
- 6 representative."
- 7 CHAIRPERSON GALAMBOS MALLOY: One minute.
- 8 MS. [UNIDENTIFIED SPEAKER]: "In addition, it is
- 9 important to remember that race is one of the many
- 10 factors that can be considered in identifying communities
- 11 of interest whose division you are required to minimize.
- 12 Where there is public testimony in support of drawing a
- 13 district that has a 50 percent majority of any particular
- 14 minority group, you should include such a district in
- 15 your draft maps. However, where public testimony
- 16 strongly opposes drawing such a district as is the case
- 17 with Los Angeles and the other Section 2 requirements are
- 18 not met, you should not. Thank you for your service to
- 19 the people of California. Sincerely, Wilma J. Pinder."
- 20 CHAIRPERSON GALAMBOS MALLOY: Thank you very much
- 21 for sharing that. I wonder if I can invite you to leave
- 22 us a copy? Excellent, thank you so much. Are there any
- 23 other members of the public who would like to make
- 24 comment? All right, seeing none, we will progress with
- 25 our ambitious agenda. I would like to just queue up

- 1 those Commissioners who are on deck to take notes this
- 2 afternoon. I believe that we successfully maneuvered
- 3 through our new procedure yesterday. A reminder, in
- 4 addition to the notes themselves, one of the key portions
- 5 of this exercise is to make sure that the questions for
- 6 our VRA Attorney, Gibson, Dunn & Crutcher, that they are
- 7 noted along in the notes. So my understanding is that
- 8 has been reflected to date in the Google Doc that was set
- 9 up and some of the other mechanisms.
- 10 We will be joined by George Brown of Gibson, Dunn
- 11 & Crutcher. He is available starting at 3:00 p.m., so we
- 12 are going to go ahead and get started. Prior to then, we
- 13 have a very large and densely populated area to cover
- 14 today, and so my suggestion on how we maneuver through
- 15 this is that we allow no more than five minutes on any
- 16 one district. And so I'm going to be tasking
- 17 Commissioner Ontai with making sure that we stay true to
- 18 that. With that, I think I'd like Ms. Henderson of Q2 to
- 19 walk us through the progression of how we've staged the
- 20 various districts throughout the afternoon. And let me
- 21 also flag for you, a question came up on the part of the
- 22 Commission of just wanting to clarify at what point we
- 23 will begin viewing and kind of making recommendations on
- 24 the Board of Equalization Districts.
- MS. HENDERSON: Okay, so for today we plan to

- 1 look at the Assembly, Congressional, and Senate Districts
- 2 for Regions 1, 2, 3 and 4, and that covers the bulk of
- 3 Southern California. We're going to start with Assembly
- 4 Districts in the L.A. Area, and then move into our
- 5 Regions 1, 2, 3 and 4. Then, we'll shift to
- 6 Congressional Districts, and then to Senate Districts.
- 7 We're not going to address Board of Equalization
- 8 Districts today, but we will be doing that soon.
- 9 CHAIRPERSON GALAMBOS MALLOY: We do have
- 10 visualizations. Commissioner Ancheta.
- MS. HENDERSON: They are posted online is my
- 12 understanding, they were posted this morning.
- 13 CHAIRPERSON GALAMBOS MALLOY: Commissioner Ward.
- 14 COMMISSIONER WARD: We're having trouble in the
- 15 back row. Is there anything we can do to, I guess,
- 16 magnify or make it more it might not be, I don't know,
- 17 but --
- 18 CHAIRPERSON GALAMBOS MALLOY: Is it the color and
- 19 not being able to distinguish or is it the text type?
- 20 COMMISSIONER WARD: The borders and the words and
- 21 the numbers, the little things.
- 22 CHAIRPERSON GALAMBOS MALLOY: All right, well,
- 23 with that, we'll let Ms. Henderson walk us through what
- 24 we can anticipate this afternoon, and then we can adjust
- 25 some of the borders.

1	MS.	HENDERSON:	Yeah.	we'll	be	working	on

- 2 adjusting that for the ease of viewing with the screen in
- 3 this room, it's a surprisingly small screen for a big
- 4 room. At any rate, so we'll start going through the
- 5 Assembly Districts. What we've done is we presented some
- 6 first iterations on Saturday and Friday of last week,
- 7 taking feedback from the Commission and direction and
- 8 questions. We have come up with a new iteration which is
- 9 reflected in these maps that we'll be showing today, so
- 10 let me see if my -- I think that some of the problems
- 11 with the screen might be addressed when we're talking
- 12 about individual hypothetical districts, we'll be zooming
- 13 in further and so you'll be able to see more. At this
- 14 point, it's showing you several at once. But if there is
- 15 a problem seeing something, please let me know.
- 16 COMMISSIONER DI GUILIO: I'm sorry, Chair, could
- 17 we just confirm to make sure we know the note-takers,
- 18 just to make sure, because I do know Commissioner Parvenu
- 19 also asked, he would be happy to help us with L.A., I
- 20 believe, just to confirm Commissioner Filkins Webber,
- 21 because we have such a large area with L.A., Orange
- 22 County, I want to make sure we're not missing or
- 23 duplicating.
- 24 CHAIRPERSON GALAMBOS MALLOY: So I invite you to
- 25 lead, we're doing the coordination aspect of who was on

- 1 first. Commissioner Filkins Webber?
- 2 COMMISSIONER FILKINS WEBBER: I had volunteered
- 3 to do Riverside, San Bernardino and Orange County.
- 4 COMMISSIONER DI GUILIO: And correct me if I'm
- 5 wrong, let me see if I go South, I don't have my notes,
- 6 but Commissioner Blanco and Commissioner Ontai had done
- 7 San Diego, we have Commissioner Filkins Webber doing
- 8 Orange, San Bernardino, Riverside, Commissioner Ward, did
- 9 you say you were going to do that, as well?
- 10 COMMISSIONER WARD: I did. Yes, ma'am.
- 11 COMMISSIONER DI GUILIO: Okay, I'm sorry, and
- 12 then for L.A., we have Jeanne -- Commissioner Raya has
- 13 done L.A. Greater L.A.? I tried to see what Greater
- 14 L.A. is defined as Commissioner Ancheta mentioned the
- 15 western part of L.A., Commissioner Yao mentioned maybe
- 16 the eastern part of L.A. Who am I forgetting? Someone
- 17 else had stepped up, too. Is that all? That's all, I
- 18 think. And if anyone else is taking miscellaneous notes,
- 19 it would be helpful just to pass that on to Q2 at the end
- 20 and, as Commissioner Galambos Malloy mentioned, to have a
- 21 reference point for the District, as well as especially
- 22 the questions for Legal, or for Technical, if we've given
- 23 them any direction or follow-up, we really need to
- 24 capture those, that's really the essence of what we need
- 25 to be able to do to follow-up.

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1	CHAIRPERSON	GALAMDOS	MALLOI:	Illalik	vou,

- 2 Commissioner Di Guilio. I have been advised that we have
- 3 an additional member of the public who would like to make
- 4 comment. We did agendize 1:00 to 1:30, so please come
- 5 forward. You will have five minutes.
- 6 MS. MARTINEZ: Good afternoon, Commissioners. My
- 7 name is Hilda Martinez and I am going to be reading a
- 8 letter from Mateo Camarillo, who was a former
- 9 Commissioner on the City of San Diego Redistricting
- 10 Commission 10 years ago. He could not be here today and
- 11 asked that I read this letter on his behalf. "Dear
- 12 Members of the Citizens Redistricting Committee: My name
- 13 is Mateo Camarillo and I was a Commissioner on the City
- 14 of San Diego Redistricting Commission 10 years ago, so I
- 15 know the importance of good legal advice; thus, I would
- 16 like to point out two critical preliminary conclusions
- 17 your counsel reached on June 1st regarding the application
- 18 of Section 2 of the Voting Rights Act in San Diego
- 19 County. First, that the Latinos in San Diego County
- 20 appear to form a sufficiently large geographically
- 21 compact, cohesive voting block to form a Section 2
- 22 Assembly District; 2) that the Latino communities in the
- 23 San Diego Metropolitan Area and Imperial County are not
- 24 geographically compact due to the physical distance and
- 25 non-Latino populations between them, and thus could not

- 1 form a Section 2 Assembly District even if Latinos make
- 2 up 50 percent or more of the CVAP. As the Commission is
- 3 well aware, the California Constitution places compliance
- 4 of the Voting Rights Act second only to compliance with
- 5 equal population requirements of the Federal
- 6 Constitution. Federal law does not allow a Section 2
- 7 District to be replaced by a non-Section 2 District. In
- 8 League of United Latin American Citizens vs. Perry, 548
- 9 U.S. 399 pp. 430-431 (2006), the Court stated: 'The
- 10 state's creation of an opportunity district for those
- 11 without a Section 2 right offers no excuse for its
- 12 failure to provide an opportunity district for those with
- 13 a Section 2 right.' Thus, even if the border district
- 14 previously directed by the Commission exceeds 50 percent
- 15 Latino CVAP, it cannot substitute for the creation of a
- 16 geographically compact Latino District wholly in San
- 17 Diego County. Your technical staff has already concluded
- 18 these options are mutually exclusive. The creation of a
- 19 border district would prevent the creation of a Section 2
- 20 district entirely in San Diego County. Indeed, such a
- 21 border district would divide the previously identified
- 22 compact cohesive Latino population in San Diego County.
- 23 Thus, I urge the Commission to include the likely Section
- 24 2 district wholly in San Diego County in your draft and
- 25 final maps, and include Imperial County in another

- 1 district. Thank you for your time and your attention."
- 2 CHAIRPERSON GALAMBOS MALLOY: Thank you very
- 3 much. The Commission has been provided with written
- 4 copies of that testimony. Are there any other members of
- 5 the public who would like to comment? Seeing none, I
- 6 will turn it back over to you, Ms. Henderson.
- 7 MS. HENDERSON: Okay, thank you. So we've
- 8 adjusted the coloring on the map a bit and I'd like to
- 9 ask the folks in the back row if it is a little bit
- 10 easier to see on the screen. A tiny bit? Hopefully when
- 11 we zoom in, you'll be able to see better and we also do
- 12 have PDFs of the visualizations.
- 13 CHAIRPERSON GALAMBOS MALLOY: I believe
- 14 Commissioner Barabba has a question.
- MS. HENDERSON: Yes.
- 16 COMMISSIONER BARABBA: Yesterday, it was really
- 17 helpful when you mentioned which page in the handout
- 18 you're referring to.
- MS. HENDERSON: Okay, what we have on and this
- 20 is what we were able to apply to this, was labels to show
- 21 the title of each of the visualizations. So,
- 22 unfortunately -
- 23 CHAIRPERSON GALAMBOS MALLOY: We also have page
- 24 numbers on ours. Do you have page numbers on yours?
- 25 Okay, excellent.

- 1 MS. HENDERSON: Okay, so without further ado,
- 2 we'll get started in Region 4, the L.A. County, and we'd
- 3 like to just kind of start from the north and go south,
- 4 and so we'll be starting with the first district up here,
- 5 it's purple, it's Antelope Valley is what AV stands for.
- 6 CHAIRPERSON GALAMBOS MALLOY: And a reminder that
- 7 the five-minute clock will be ticking, the goal is to
- 8 provide general direction so that Q2 can go back and
- 9 actually implement our direction back at the shop.
- 10 VICE CHAIRMAN ONTAI: And I will be strictly
- 11 following the Barabba standard.
- 12 COMMISSIONER DI GUILIO: Could you tell us the
- 13 page, too, before you discuss it?
- MS. HENDERSON: It's page 5. No, sorry, wrong
- 15 purple one. Okay, it's actually going to be -
- 16 COMMISSIONER DAI: Page 16, I think.
- 17 MS. HENDERSON Sorry, this is the first week
- 18 we've seen this packet in this order, so the page numbers
- 19 are new to us.
- 20 COMMISSIONER RAYA: I'm sorry, I didn't hear the
- 21 page.
- MS. HENDERSON: Sixteen. Okay, so on the print-
- 23 out, it's actually a yellow colored district and it
- 24 includes Antelope Valley and the Victor Valley. And this
- 25 is actually a new district in this version, this

- 1 iteration, we did not have this before. What we tried to
- 2 do in this iteration of maps was to give a more complete
- 3 picture of what the whole region would look like,
- 4 including both the potential VRA district, as well as
- 5 non-VRA districts.
- 6 CHAIRPERSON GALAMBOS MALLOY: Commissioners?
- 7 Commissioner Blanco.
- 8 COMMISSIONER BLANCO: Just as a general matter,
- 9 one of the things we did yesterday, and if we do this,
- 10 then we won't have to ask this over and over, one of the
- 11 things we did yesterday was ask on the different
- 12 visualizations what the thought process was for that
- 13 particular visualization, what instructions from us, why,
- 14 you know, all the thinking that went into it, so that we
- 15 have a record.
- MS. HENDERSON: Sure.
- 17 COMMISSIONER BLANCO: City-County splits, etc.
- MS. HENDERSON: Okay, yes. So, this was largely
- 19 following COI testimony and the Lancaster Hearing,
- 20 talking about the community of interest between the
- 21 Antelope Valley and the Victor Valley, and also
- 22 Commission direction to keep the Victor Valley with the
- 23 Antelope Valley. There is a county split, L.A. County
- 24 and San Bernardino.
- 25 COMMISSIONER DI GUILIO: I see Palmdale there.

- 1 Is Lancaster there, as well? Is Lancaster included with
- 2 Palmdale?
- 3 MS. HENDERSON: Yes. Nineteen percent of Castaic
- 4 is in this district, and nine percent of Hesperia.
- 5 CHAIRPERSON GALAMBOS MALLOY: Any questions or
- 6 direction for Q2?
- 7 MS. HENDERSON: And just to clarify, Castaic is
- 8 not a city, it's a census place.
- 9 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 10 Guilio.
- 11 COMMISSIONER DI GUILIO: Where -- I'm just trying
- 12 to see where Hesperia is on this in terms of --
- 13 CHAIRPERSON GALAMBOS MALLOY: It's on the east
- 14 side, the far east side, roughly the middle of the page.
- 15 COMMISSIONER DI GUILIO: I'm just wondering if
- 16 there was a way, since you have two splits on two sides
- 17 of it, if there was a way to maneuver it so you didn't
- 18 have a split one way or the other? Or less of a split if
- 19 you included --
- 20 MS. HENDERSON: We believe that Castaic can be
- 21 fixed.
- 22 COMMISSIONER DI GUILIO: Okay.
- MS. HENDERSON: Just eyeballing it right now, but
- 24 it's something that we will look at.
- 25 CHAIRPERSON GALAMBOS MALLOY: Commissioner

- 1 Filkins Webber.
- 2 COMMISSIONER FILKINS WEBBER: Oh, I apologize.
- 3 Did you say that is part of Castaic in there? I'm
- 4 sorry.
- 5 MS. HENDERSON: Yes.
- 6 COMMISSIONER FILKINS WEBBER: Oh, I see, so
- 7 actually, right now, Castaic would be with Santa Clarita,
- 8 which is consistent with the testimony we heard, okay.
- 9 MS. HENDERSON: Yes, we will make that
- 10 adjustment.
- 11 COMMISSIONER FILKINS WEBBER: But, other than
- 12 that, I like this, so although there is a county split,
- 13 it's consistent with the High Desert and then you're
- 14 going to get the respect and the integrity of the further
- 15 east High Desert, which we'll probably get to, I guess,
- 16 for the Victor Valley, even though Adelanto is
- 17 technically part of that, but then when you go further
- 18 east, you're going to get Victorville, I suspect, Apple
- 19 Valley, Hesperia, everything further to the east, even
- 20 though we don't see it on this map. But this appears to
- 21 be consistent and respectful of that, that community of
- 22 interest in the High Desert.
- MS. HENDERSON: Okay, I'm sorry, just to relay a
- 24 little bit of clarification, these areas that are outside
- 25 to the east here will not be able to be included in this

- 1 district as it is presently drawn.
- 2 COMMISSIONER FILKINS WEBBER: Oh, no, I'm saying
- 3 that's consistent everything to the east would be in
- 4 its separate district which is more respectful of Victor
- 5 Valley and Victorville, Apply Valley. And, again, this
- 6 is just based on, I think, some of the testimony that we
- 7 had received previously, and my familiarity with the
- 8 area.
- 9 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 10 Forbes.
- 11 COMMISSIONER FORBES: One thing when you do this,
- 12 I would suggest that you exclude Castaic. I don't know
- 13 how much that is going to shift the population numbers,
- 14 but I think -- I mean, don't split the town.
- MS. BOYLE: Castaic, the 19 percent that is in
- 16 the purple district, was inadvertent and it will be taken
- 17 out and completely put with Santa Clarita.
- 18 COMMISSIONER FORBES: Thank you.
- 19 VICE CHAIRMAN ONTAI: One minute.
- 20 CHAIRPERSON GALAMBOS MALLOY: All right, we're
- 21 winding down on time. Are there any final comments or
- 22 direction? Okay, seeing none, let's move on to the next
- 23 district.
- MS. HENDERSON: Okay, so staying on the same
- 25 page, let's take a look at Santa Clarita. And this

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- 2 Ranch, Palo Verde, and most of Castaic, and we'll be
- 3 moving that remainder into here. Oh, and Granada Hills,
- 4 Porter Ranch. It has a part of the eastern part of the
- 5 San Fernando Valley. And that includes Chatsworth,
- 6 Porter Ranch, and part of Granada Hills and Northridge.
- 7 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 8 Guilio, then Dai, then Parvenu.
- 9 COMMISSIONER DI GUILIO: I have a comment about
- 10 this, but it's kind of it has to be based, I think, in
- 11 the context of some surrounding districts because I
- 12 think, well, I can't quite see what that west San
- 13 Fernando completely entails yet, but I'm looking at the
- 14 Thousand Oaks, Santa Monica Mountains one, where it has
- 15 -- it's the green one right below Santa Clarita and it
- 16 also abuts the yellow -- on our paper, at least -- which
- 17 also is on page 17, Simi Valley, where I think there was
- 18 some discussion about -- it's a Malibu, Topanga Canyon,
- 19 with Thousand Oaks, Conejo. I see some issues with that
- 20 moving west, kind of rotating around and I'm not sure if
- 21 some of the areas in the bottom part, it was Calabasas,
- 22 there are those three communities there and I'm
- 23 completely blanking out right now --
- MS. BOYLE: Agora Hills.
- 25 COMMISSIONER DI GUILIO: Yeah, and I'm not sure

- 1 if that's in West San Fernando Valley or if that's part
- 2 of the Thousand Oaks, Santa Monica Mountains, but I see
- 3 those rotating up maybe with Santa Clarita and having the
- 4 Thousand Oaks in kind of a rotating shift, but maybe I
- 5 should wait until we talk about that later because I
- 6 can't quite see Calabasas -- what is in the bottom of
- 7 Santa Clarita? Maybe that's -
- 8 COMMISSIONER BLANCO: Right, I can't figure out
- 9 what that is.
- 10 COMMISSIONER DI GUILIO: What's on the very
- 11 bottom of your Santa Clarita -- Chatsworth.
- MS. HENDERSON: Chatsworth.
- 13 COMMISSIONER DI GUILIO: Okay, so Chatsworth is
- 14 included in that?
- MS. HENDERSON: Yes.
- 16 COMMISSIONER BLANCO: And what is that blue spot?
- 17 Because on our handout we have a yellow spot with no
- 18 writing on it that looks like it's --
- MS. HENDERSON: Yes, so that is the San Fernando
- 20 Valley west, the western San Fernando Valley.
- 21 COMMISSIONER BLANCO: Oh, okay.
- 22 CHAIRPERSON GALAMBOS MALLOY: Commissioners -
- MS. HENDERSON: Winnetka, Reseda, is right in
- 24 that little portion directly below Chatsworth and
- 25 Northridge.

1	CHAIRPERSON GALAMBOS MALLOY: Commissioners Dai
2	and then Parvenu.
3	COMMISSIONER DAI: I'll pass.
4	COMMISSIONER PARVENU: And I'll be brief. Let's
5	assume the question, at the very bottom of this purple
6	district here, what street did you use? Or what
7	geographic feature? What's that line of demarcation
8	right there that goes east to west?
9	MS. HENDERSON: I believe below Chatsworth and
10	North - at the bottom of the Santa Clarita District?
11	COMMISSIONER PARVENU: Yes.
12	MS. HENDERSON: Just a moment. Roscoe Boulevard.
13	COMMISSIONER PARVENU: Roscoe, okay. And while
14	you're there, what about the other one just south of it?
15	MS. HENDERSON: I'm sorry?
16	COMMISSIONER PARVENU: The West San Fernando
17	Valley.
18	MS. HENDERSON: Directly below?
19	COMMISSIONER PARVENU: Yeah, the lower
20	southernmost boundary.
21	MS. HENDERSON: The southern boundary.
22	CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.
22	

question. The Bell Canyon, is that included?

MS. HENDERSON: I'm sorry, can I answer

23

24

COMMISSIONER DAI: Yeah, I just remembered my

1	Commissioner	Parvenu's	3 (anestion?	SO	the	southern
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- 2 boundary, we think it's Topham Street, or San Fernando
- 3 Valley West. And then Victory Boulevard. And then, I'm
- 4 sorry, Commissioner Dai, your question?
- 5 COMMISSIONER DAI: Was Bell Canyon included?
- 6 MS. HENDERSON: It's in the -
- 7 CHAIRPERSON GALAMBOS MALLOY: I just want to
- 8 clarify what district we're addressing now because we've
- 9 had a little bit of jumping around, so I would suggest we
- 10 --
- 11 COMMISSIONER DAI: Santa Clarita -- was it
- 12 included in Santa Clarita?
- 13 CHAIRPERSON GALAMBOS MALLOY: No, I see it in the
- 14 district that is to the southwest of the Santa Clarita
- 15 District.
- 16 COMMISSIONER DAI: So, is that the West San
- 17 Fernando Valley one?
- 18 COMMISSIONER DI GUILIO: No, it's Thousand Oaks.
- 19 COMMISSIONER DAI: Okay, because there was some
- 20 question about there was only access through West San
- 21 Fernando Valley, I just was so there was I think the
- 22 folks from VICA had suggested that it be put together
- 23 with West San Fernando Valley since it could only be
- 24 accessed through West San Fernando Valley?
- MS. HENDERSON: Okay, so West Hills, that's -

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- 2 of the West San Fernando Valley, so part of the confusion
- 3 maybe that we're calling the district that is on the
- 4 screen in blue West San Fernando Valley just as a
- 5 demarcation, but adjacent to that is West Hills and Bell
- 6 Canyon in the same district.
- 7 COMMISSIONER FILKINS WEBBER: I'm sorry, I know
- 8 we're skipping districts, but it's not in the same
- 9 district if you're saying that the blue is a separate
- 10 district that is considered the West San Fernando Valley,
- 11 and that's what the question is because I think our
- 12 direction last week was to include the West Hills in Bell
- 13 Canyon with San Fernando, but if you're showing us now
- 14 there might be a population issue, then that's what I
- 15 guess we need, just a clarification on. Because it looks
- 16 like it, you're so close right there with what you have
- 17 drawn at, what, negative 45?
- MS. HENDERSON: Yes.
- 19 COMMISSIONER FILKINS WEBBER: Good eyes, huh.
- 20 Thank you. So, is that what you've determined that the
- 21 population of West Hills and Bell Canyon might make it
- 22 difficult to increase that district?
- MS. HENDERSON: Yes.
- 24 VICE CHAIRMAN ONTAI: One minute.
- 25 CHAIRPERSON GALAMBOS MALLOY: Are there any

- 1 specific directions in relation to the Santa Clarita
- 2 District? Okay, seeing none -
- 3 COMMISSIONER FILKINS WEBBER: I'm sorry, just 30
- 4 seconds --
- 5 CHAIRPERSON GALAMBOS MALLOY: Yeah, please do.
- 6 COMMISSIONER FILKINS WEBBER: If we have to add
- 7 the additional population from Castaic, what's just below
- 8 in the is there any population in the blue, that little
- 9 it looks like a little right underneath Santa
- 10 Clarita, right along the freeway?
- 11 CHAIRPERSON GALAMBOS MALLOY: North of Sylmar?
- 12 COMMISSIONER FILKINS WEBBER: Correct. Where
- 13 would you have to probably expand the district, or pull
- 14 it up a little bit? Because oh, right in there? Okay.
- 15 But that seems good.
- MS. HENDERSON: Yeah, the population in Castaic
- 17 that's now that we would be bringing into this district
- 18 is very small.
- 19 COMMISSIONER FILKINS WEBBER: Okay.
- 20 COMMISSIONER DI GUILIO: I just have a point of
- 21 clarification whether we remember whether Santa Clarita
- 22 Valley included Agua Dolce and Acton? Okay, so that was
- 23 a population choice to cut them off there.
- 24 VICE CHAIRMAN ONTAI: Time is up.
- MS. HENDERSON: Okay, so Nicole is just saying

- 1 that there are approximately 3,000 people in that portion
- 2 of Castaic that would be added to this district.
- 3 COMMISSIONER FILKINS WEBBER: Then, just where
- 4 your hand was at might be consistent with where you would
- 5 probably I guess I would make the recommendation
- 6 probably in that San Fernando Valley area.
- 7 CHAIRPERSON GALAMBOS MALLOY: Let's move on to
- 8 the next District. Which direction would you like us to
- 9 qo?
- MS. HENDERSON: Just to stay on the same piece of
- 11 paper, I think it might be easier, let's look at the San
- 12 Gabriel Mountain Foothills, and that on your handout is
- 13 in blue, and on the screen it is blue. So this is taking
- 14 the San Gabriel Mountains and many of the Foothill
- 15 communities that are adjacent to it, Glendora, Claremont,
- 16 we're going to zoom in so you can see what those
- 17 communities are better, Monrovia, parts of Monrovia,
- 18 Sierra Madre, Pasadena, Azusa, Glendora, and at the last
- 19 hearing there was direction from the Commission that some
- 20 of these communities at the Foothills could be split
- 21 approximately by the 210 if there were Voting Rights Act
- 22 concerns in districts to the south, and that's what this
- 23 iteration is reflecting.
- 24 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 25 Guilio.

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- 2 Pasadena, Glendale, Burbank are split, even though there
- 3 was a lot of testimony to put those three together.
- 4 MS. HENDERSON: That's correct.
- 5 COMMISSIONER DI GUILIO: I guess I'm not very
- 6 comfortable with that. I'm not sure what other people --
- 7 I'm not sure if there is any other choice to go with
- 8 that, maybe you could let us know, but I felt like there
- 9 was significant COI testimony, as well as justification
- 10 for at least those three going together and maybe picking
- 11 up La Canada, Flint Ridge, and Altadena up there, maybe
- 12 doing some shaving based on the numbers, but I just
- 13 didn't know why we broke that significant COI area.
- 14 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 15 Filkins Webber.
- 16 COMMISSIONER FILKINS WEBBER: That was the first
- 17 thing that struck me, as well, because if you look at La
- 18 Crescenta, and if you move over -- I'm looking at an
- 19 iteration on page 17 -- if you can tell me what the
- 20 cities are to the furthest west of that entire purple
- 21 district, because those people may not have as much of a
- 22 community of interest with the Foothills. That's north
- 23 L.A., right?
- MS. HENDERSON: So the one that appears in purple
- 25 is the Burbank Glendale District, and we've assumed in

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- 2 west that you're asking about, Sherman Oaks is the
- 3 furthest to the west.
- 4 COMMISSIONER FILKINS WEBBER: Well, that is
- 5 pretty far from La Crescenta and the La Condina,
- 6 Footridge, and even over a mountain range, if I'm not
- 7 mistaken, so I'm wondering if there would be -- if there
- 8 was more consistent testimony to putting Sherman Oaks
- 9 with the West San Fernando and trading off Pasadena or
- 10 Altadena to make more of a compact and geographic and
- 11 consistent COI testimony support for that Burbank
- 12 Glendale Pasadena. But I'm not certain how that might
- 13 work out for you.
- MS. HENDERSON: Yeah, I'm aware of the COI
- 15 testimony and that it was overwhelming for that
- 16 configuration, and I really tried to do that with the
- 17 Assemblies, and other considerations overtook that. I
- 18 could probably do it, it would require some splitting
- 19 possibly of Pasadena, so I can document that more closely
- 20 for you in the draft maps, exactly what I did. I was
- 21 working under tight pressure and so I didn't document
- 22 everything that I probably should have.
- 23 CHAIRPERSON GALAMBOS MALLOY: Can you confirm for
- 24 the Commission what this grouping looks like under the
- 25 Senate and Congressional visualizations that would be

- 1 seen later? Are those cities grouped together under
- 2 other types of districts?
- 3 MS. HENDERSON: I'm pretty sure that I got all
- 4 three of them together in at least one, and that in one
- 5 they are split; Pasadena is split.
- 6 CHAIRPERSON GALAMBOS MALLOY: Further questions
- 7 or direction from the Commission?
- 8 VICE CHAIRMAN ONTAI: One minute.
- 9 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 10 Blanco.
- 11 COMMISSIONER BLANCO: In that COI testimony, and
- 12 I'm sure you've tried, but the other thing that came up
- 13 that should perhaps be with Glendale and Burbank was that
- 14 whole Griffith Park set of testimony, which, then,
- 15 instead of going out towards Sherman Oaks would actually
- 16 come down, instead of going Glendale west, it would go
- 17 Glendale south. I think there was a lot about Burbank,
- 18 Glendale, and then that area, the equestrian area being a
- 19 part of that. So I don't know if that helps at all, but
- 20 if you had to go, maybe it's going south and not west.
- 21 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 22 Guilio.
- COMMISSIONER DI GUILIO: I would just like to,
- 24 maybe so we can move on, I would like to request that --
- 25 I understand this is going to have a ripple effect all

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- 2 do keeping that intact and then we could have a choice to
- 3 be made, if there are other significant consequences to
- 4 doing that, then we would have a choice. But I feel
- 5 like, in the absence of that choice, I just don't feel
- 6 fully comfortable with the way the split is, and
- 7 inclusion of Sherman Oaks. I'd like to see something
- 8 else, if possible.
- 9 MS. HENDERSON: So, does the Commission have
- 10 suggestions on where this Sherman Oaks, Valley, Village,
- 11 Toluca Lake area should go? It has more than 100,000
- 12 people. And if you look, what we're going to start
- 13 seeing when we get more into this, that there is also
- 14 some VRA potential, VRA districts around this area that
- 15 also were needing to be taken into account, and so, for
- 16 example, immediately to the west and to the northwest of
- 17 the Glendale Burbank District is the San Fernando Valley
- 18 East, which is a potential VRA District, and then also to
- 19 the southeast, northeast also a potential VRA district.
- 20 VICE CHAIRMAN ONTAI: Time is up, sorry.
- 21 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao,
- 22 you'll have the last word.
- 23 COMMISSIONER YAO: I question the merit of
- 24 limiting the discussion to five minutes because I don't
- 25 think we can cover these type of districts in a shorter

- 1 period of time, so I'd like the Chair to reconsider.
- 2 VICE CHAIRMAN ONTAI: I'm just the messenger.
- 3 CHAIRPERSON GALAMBOS MALLOY: What I would
- 4 suggest we do, not that we are making a definitive
- 5 decision at this moment, but that we continue to look at
- 6 the districts immediately adjacent because we are getting
- 7 into question of, if we take population from the west
- 8 side of this district, where would we put it? So, I
- 9 think it would help us to have a better understanding of
- 10 what the districts immediately surrounding look like, so
- 11 we can consider what our options are.
- 12 COMMISSIONER DI GUILIO: Could we ask, to some
- 13 degree, again, I think Ms. Henderson was doing this,
- 14 there are probably some of these districts that, for lack
- 15 of a better word, are untouchable, I mean -- I don't know
- 16 that "untouchable" is the right word, but there are
- 17 issues that are going to prevent us, if we have to shift
- 18 population, some of these districts probably are off
- 19 bases, so, I mean, there are options, we could shift
- 20 north and then north and rotate around, or you can shift
- 21 -- so, I mean, I would like to know, she's asking -- and
- 22 I think we should give some directions, it doesn't do us
- 23 any good just to identify a problem, but we have to know
- 24 the parameters under which we can give our feedback.
- 25 CHAIRPERSON GALAMBOS MALLOY: Let me have

- 1 Commissioner Filkins Webber pose her question, and then
- 2 Ms. Henderson, you could address them all at once.
- 3 Commissioner Filkins Webber.
- 4 COMMISSIONER FILKINS WEBBER: Yes. What I was
- 5 considering is taking a look at the area where we may not
- 6 have any Section 2; based on the numbers that are
- 7 indicated on page 18, I see how you drew the Beverly
- 8 Hills area and I'm wondering if there's some way of
- 9 combining this purple area maybe more with Los Feliz and
- 10 Atwater so that you could include Pasadena in the Burbank
- 11 Glendale Pasadena if -- so, there might be some more
- 12 configuration, I can see that like basically, because I
- 13 lived in Hancock Park for a while, but if there is some
- 14 way of pulling down the Beverly Hills and expanding it
- 15 into that Hancock Park. I don't see any numbers here
- 16 that seem to suggest that we're getting into a Section 2
- 17 issue, other than in East L.A., but I don't know that if
- 18 pulling in Los Feliz and Eagle Rock and Atwater, and
- 19 separating it from East L.A., it leaves those portions --
- 20 I don't know if you're going to affect the 53 percent on
- 21 the East L.A. version. So, if there was just some way
- 22 of, I guess -
- MS. BOYLE: Well, you won't pull it down, but
- 24 you'll need to pick up populations somewhere else, which
- 25 means --

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- 2 to pull it from the purple area that we're going to take
- 3 out of -
- 4 MS. BOYLE: Down here? So if I --
- 5 COMMISSIONER FILKINS WEBBER: The purple to the
- 6 west, right there, you're going to take that out of the
- 7 Glendale Burbank and hopefully add Pasadena.
- 8 MS. BOYLE: And I'm going to put the purple with
- 9 Beverly Hills, with the green?
- 10 COMMISSIONER BLANCO: Yes.
- MS. BOYLE: Okay, and then, so I'll have to lose
- 12 population from here, and so --
- 13 COMMISSIONER FILKINS WEBBER: And you could
- 14 probably gain it at the Los Feliz Atwater area with
- 15 Beverly Hills, and that kind of goes along geographically
- 16 and still maintaining the integrity of Griffith Park.
- 17 And like I said, if you're taking just that little
- 18 portion of the Los Feliz Atwater area, you're not going
- 19 to diminish the 53 percent that you find on the East
- 20 L.A., I don't believe. But I'll certainly leave that to
- 21 your further expertise. But, in order to maintain the
- 22 integrity of all that public testimony that we received,
- 23 it seemed that you could probably work out -- if you're
- 24 going to get the additional population from that west
- 25 portion of the purple, so that we take it out of the

- 1 Glendale Pasadena area.
- MS. BOYLE: And the purple would go with the
- 3 green? Or the purple would go with the yellow?
- 4 COMMISSIONER FILKINS WEBBER: Actually just with
- 5 the entire area where your hand was in, because that
- 6 looks like a whole district, with Beverly Hills, Los
- 7 Feliz, Atwater, not necessarily going into Santa Monica
- 8 because I don't think we received any testimony to put
- 9 Beverly Hills with Santa Monica, or Marina Del Rey, for
- 10 that matter, so I kind of see that other area as just a
- 11 district potentially by itself. And, again, I know we're
- 12 talking about ripple effects, but that still wouldn't be
- 13 consistent because the green area where your hand is at
- 14 right now is not inconsistent with any testimony to put
- 15 Beverly Hills and Santa Monica together -- yet, anyway.
- 16 COMMISSIONER BLANCO: So go down the five to Los
- 17 Feliz, cut it off, and then pick up the Sherman Oaks and
- 18 have that be one district, I think, is what she's saying.
- MS. BOYLE: She's saying add to Glendale Burbank
- 20 Los Feliz?
- 21 CHAIRPERSON GALAMBOS MALLOY: No. What we're
- 22 trying to do is preserve the integrity of the COI that
- 23 has been noted as Glendale, Burbank, and Pasadena, and
- 24 looking for ways in which we could shift the districts
- 25 around to accommodate that.

1	COMMISSIONER FILKINS WEBBER: Because technically
2	we have Altadena up there, that Altadena can't be an

- 3 island by itself, so technically you're looking at the
- 4 population of Pasadena and Altadena that would have to be
- 5 with Glendale, Burbank, La Canada Flintridge, and La
- 6 Crescenta.
- 7 COMMISSIONER BLANCO: So whether you could take
- 8 the little hump that looks like Los Feliz and all that
- 9 area west of 5, and create a district together with the
- 10 Sherman Oaks part.
- 11 COMMISSIONER FILKINS WEBBER: Yeah, I guess the
- 12 problem is geographically is you've got a big difference
- 13 between the back side of Beverly Hills and Sherman Oaks.
- MS. HENDERSON: Yeah, so we'll definitely look at
- 15 this, just in eyeballing it, a concern is, again, the
- 16 VRA, potential VRA districts, not just the northeast
- 17 L.A., but also, as Nicole is kind of moving the hand
- 18 around here, is potentially the population is -- the
- 19 whole balloon thing, when you squeeze it one place, it
- 20 pops up somewhere else, and so even though looking at
- 21 that, it looks like it could work, we'll have to really
- 22 look carefully at what happens even further south than
- 23 L.A.
- 24 CHAIRPERSON GALAMBOS MALLOY: But at this point
- 25 you understand, I think, some of the general concepts of

- 1 what the Commission is trying to achieve in that area in
- 2 the district that connects Burbank -- potentially
- 3 connects Burbank, Glendale, Pasadena?
- 4 MS. HENDERSON: Yes. The other thing that we'll
- 5 need to look at is the effect on this Foothill district
- 6 because, and I think the one we started on, so what we
- 7 have here is we followed the Commission's direction and
- 8 were successful to split some of these communities along
- 9 the Foothills because some of the VRA districts that are
- 10 immediately to the south, so, for example, the Covina
- 11 District here, that's 55 percent CVAP that could be
- 12 affected. If we were removing Pasadena out of that
- 13 Foothill District, we're going to need to pick up
- 14 population somewhere else. So, in addition to looking at
- 15 the southern portion of L.A., we're also going to have to
- 16 look at all these districts immediately south of the 210,
- 17 I think it is, and so that also will have an effect on
- 18 what we can do here.
- 19 CHAIRPERSON GALAMBOS MALLOY: Commissioners Yao
- 20 and then Di Guilio, and then I'll like to move us along.
- 21 COMMISSIONER YAO: Let me just ask some very
- 22 short questions. Is San Demos in a district? I can't
- 23 tell from page 16.
- MS. HENDERSON: Yes, it is.
- 25 COMMISSIONER YAO: Glendora?

- 1 MS. HENDERSON: Parts of Glendora above the 210.
- 2 CHAIRPERSON GALAMBOS MALLOY: And we're
- 3 clarifying the Foothills District? Is that correct?
- 4 COMMISSIONER YAO: I assume that's what we're
- 5 looking at, the Foothill District.
- 6 MS. HENDERSON: Yes.
- 7 COMMISSIONER YAO: And Covina?
- 8 MS. HENDERSON: No.
- 9 CHAIRPERSON GALAMBOS MALLOY: No.
- 10 COMMISSIONER YAO: Azusa?
- MS. HENDERSON: Part.
- 12 COMMISSIONER YAO: So how many cities are we
- 13 splitting?
- MS. HENDERSON: Just a moment.
- 15 CHAIRPERSON GALAMBOS MALLOY: And a reminder that
- 16 we did actually direct Q2 to explore the idea of a
- 17 Foothills District that did split some of the Cities.
- MS. HENDERSON: Seven.
- 19 COMMISSIONER YAO: We split seven cities in the
- 20 Foothill District?
- MS. HENDERSON: Yes.
- 22 COMMISSIONER YAO: I need a rationale for that
- 23 because splitting some of the cities, I agree, but
- 24 splitting seven cities in one district, I'm not sure I
- 25 understand that.

1	CHAIRPERSON GALAMBOS MALLOY: My understanding of
2	where we left off with that direction was that we were
3	actually providing it based on significant COI testimony
4	that we had heard regarding needing to better connect the
5	communities immediately adjacent to the hills and
6	mountains of Los Angeles County, who are essentially
7	their kind of users and are immediately impacted by the
8	environmental issues in the management of those lands, is
9	my understanding. Commissioner Di Guilio.
10	COMMISSIONER DI GUILIO: I just had one quick
11	thing with this, I see what some of our general I'm
12	looking at the big picture with our general discussion
13	about shifting some things and I'm wondering if it might
14	be helpful, since we have the Mappers here and could use
15	the time, I see it looks like there might be some island
16	communities that were left, like Santa Monica or
17	something, should we give you some direction generally so
18	that if you let me rephrase this if you see an area
19	where you're going to be left Nicole has been doing
20	this quite a bit and I'm sure you can see if we ask you
21	to do some shifts, there's going to be some points that
22	are going to be problematic, so to best utilize your
23	time, I'm wondering if you see those points with those
24	communities, if you would ask us what you would like to
25	see done with those areas so you don't have to assume and

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- 2 MS. BOYLE: One possibility with your request to
- 3 move the Sherman Oaks area out of the Glendale Burbank
- 4 and to bring Pasadena and Altadena in, that does kind of
- 5 leave Santa Monica in the middle, and it's population,
- 6 unless I work something out with Jamie [Inaudible] and
- 7 flow population back up through the Ventura County
- 8 border, I would have to move down through the beach
- 9 cities district and that would impact keeping the port in
- 10 a separate district from Long Beach, potentially, and I
- 11 have a district running from Hawthorne down to the L.A.
- 12 Port, and that would affect that configuration, I
- 13 believe, but I will look into it and attempt to document
- 14 it for our next meeting.
- 15 COMMISSIONER DI GUILIO: Thank you.
- 16 COMMISSIONER YAO: Just one last protest at this
- 17 point in time. Most of these cities are very small
- 18 cities and splitting small cities so that we can
- 19 establish bridges to connect them, I don't think, is one
- 20 of our concepts in terms of drawing district maps. So, I
- 21 need to really understand as to why we're doing what
- 22 we're doing. When we say "combine the Foothill cities,"
- 23 I think we talked about combining Foothill cities and not
- 24 splitting them up.
- 25 CHAIRPERSON GALAMBOS MALLOY: Commissioner

- 1 Barabba and then Dai.
- 2 COMMISSIONER BARABBA: the sense I got out of the
- 3 discussion is the people who brought that idea up were
- 4 more concerned about their connection to the mountains
- 5 than they were about their connection within the city.
- 6 And I think that's what's probably left this to occur.
- 7 CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.
- 8 COMMISSIONER DAI: Yeah, and the other thing that
- 9 we gave direction to Q2 about was to allow them to split
- 10 it along the 210 because there is a difference in the
- 11 communities that are north of the 210 vs. south, even
- 12 within the same city, and this is also to accommodate a
- 13 potential Section 2 district.
- 14 COMMISSIONER YAO: Yeah, that mainly applies to
- 15 the San Bernardino County cities like Rancho Cucamonga
- 16 and Fontana, and so on, that comment doesn't apply to the
- 17 Los Angeles County Foothill Cities.
- 18 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 19 Guilio.
- 20 COMMISSIONER DI GUILIO: I'd like to just make
- 21 one last comment, generally. I think we all ought to
- 22 remind ourselves, too, as we were reminded by, I believe,
- 23 the League of Women Voters, a joint letter that was sent
- 24 a little while, a couple weeks ago, to remind us that we
- 25 don't want to put too much emphasis just on lack of city

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- 2 communities of interest testimony. I think sometimes we
- 3 think that cities and counties are very easy lines, but
- 4 we should be encouraged to listen to the COI testimony
- 5 and, in some circumstances, we'll try and keep cities as
- 6 whole as we can, but there has been a lot of testimony to
- 7 say that we would like to have them split, then let's
- 8 throw something out there and then they can respond to it
- 9 if there is the response that says that was our initial
- 10 direction, but we don't like the consequences of that,
- 11 then we can make adjustments. But, again, I think this
- 12 absolute idea of we never split cities or never split
- 13 counties, I think, in general, is correct, but not if
- 14 it's at the expense of significant COI testimony, which
- 15 we've been reminded is just as important and equally
- 16 balanced as the others.
- 17 CHAIRPERSON GALAMBOS MALLOY: Okay,
- 18 Commissioners. I think we're reaching time. Any final
- 19 direction or comments on this district? It seems that,
- 20 at this point, given that we're at the draft stage, that
- 21 we should move forward with the Foothills District. I
- 22 think we would like to consider if there is the
- 23 possibility of reuniting any of these cities and still
- 24 maintaining the concept of a Foothills District, that we
- 25 would prefer that, but barring that, we will move ahead

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- 2 done. So we can move to the next district, please.
- 3 MS. HENDERSON: Okay, well, let's do Burbank
- 4 Glendale since we already started that a bit, I just want
- 5 to make sure that we have firm in our minds what you'd
- 6 like us to do. Actually, Nicole says that she thinks
- 7 that she knows -- I want to make sure that we have gotten
- 8 direction about it, though.
- 9 MS. BOYLE: So, the request was to ask me to look
- 10 at moving Los Feliz into the -- no, putting Pasadena and
- 11 Altadena into this district and removing the Sherman Oaks
- 12 area and attempting to combine it with Los Feliz and the
- 13 Beverly Crest green area? Is that the direction that I
- 14 was given?
- 15 COMMISSIONER RAYA: Would you repeat that one
- 16 more time because I'm trying to take the notes here.
- 17 MS. BOYLE: Yeah, so my understanding in the
- 18 direction I received regarding this district is to
- 19 attempt to move Pasadena and Altadena wholly into the
- 20 district, by removing population here and combining this
- 21 population with this green area and this yellow area.
- 22 CHAIRPERSON GALAMBOS MALLOY: My correction would
- 23 be that I don't know that we specified Altadena. I think
- 24 that Burbank, Glendale, and Pasadena has been very
- 25 strongly established through the COI; Altadena, I think

- 1 we could have a little more flexibility on.
- 2 COMMISSIONER DI GUILIO: I think I did, to
- 3 clarify, I thought that I had mentioned Altadena because
- 4 there are some issues -- what Altadena actually is is a
- 5 small sliver, so there are some issues of it being
- 6 isolated, the Altadena, La Canada Flintridge, and La
- 7 Crescenta, I believe, are some issues of isolations, so
- 8 that was my only concern in terms of -- I had mentioned,
- 9 actually, Altadena in there, but again, I would leave it
- 10 to the Mappers to determine the level of functionality
- 11 with that.
- 12 CHAIRPERSON GALAMBOS MALLOY: I think there is a
- 13 consideration, too, you know, we just gave direction to
- 14 continue moving forward with the Foothill District, and
- 15 if we take Altadena out and try to take Altadena out and
- 16 try and group it with Burbank, Glendale, Pasadena, we are
- 17 left with a kind of break in the Foothill District, if
- 18 you will, there wouldn't be an urbanized area immediately
- 19 south on that part of the Foothill District.
- 20 Commissioner Barabba.
- 21 COMMISSIONER BARABBA: Relative to the Los Feliz
- 22 area and the park, I think most of their -- we put out a
- 23 little sliver there to the east of the park, and that's
- 24 because I think that's where most of the connection of
- 25 people from the equestrian area live. If you move

- 1 Griffith Park, tie it more to the west, I think there is
- 2 less of a connection from the people around Griffith
- 3 Park, so I'd be a little cautious about moving Griffith
- 4 Park into a district with the west side of Los Angeles.
- 5 I think they identify more with the Glendale Burbank area
- 6 than they do --
- 7 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 8 Filkins Webber.
- 9 COMMISSIONER FILKINS WEBBER: Commissioner
- 10 Barabba, just I'm not certain that that's true, primarily
- 11 because I've had -- been up in that area, but I certainly
- 12 would leave it up to the public; but, I think they might
- 13 have an ability to go either way because there is plenty
- 14 of people on the west side of L.A. -- Hancock Park -- in
- 15 fact, all the way to Santa Monica, frankly, that use that
- 16 entire area of Griffith Park. And just from my
- 17 familiarity with the area, and I would have to go back
- 18 and refresh my memory on the Glendale people that use it,
- 19 they probably use it from the back side, but there is a
- 20 close tie with the west, part of Los Angeles, to that
- 21 area, as well. So I think there might be some give and
- 22 take to go either way and maybe looking at the public
- 23 comments maybe from the west side in comparison to the
- 24 public comments from the Glendale side.
- 25 COMMISSIONER BARABBA: My quess is Commissioner

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- 2 from the west side to that part of the park anymore,
- 3 given traffic.
- 4 COMMISSIONER PARVENU: That's true.
- 5 CHAIRPERSON GALAMBOS MALLOY: A final comment,
- 6 again, regarding this narrow issue of how can we reunite
- 7 Glendale Burbank Pasadena and possibly Altadena.
- 8 COMMISSIONER DI GUILIO: And I would only add one
- 9 more thing to that. As I recall testimony, if you're
- 10 looking for population balance, I might suggest, if you
- 11 have to shave or split a little bit, you may split the
- 12 western side of Burbank because I recall testimony that
- 13 says, once you get kind of over there, you get into the
- 14 entertainment industry and there are some links with
- 15 Hollywood, Hollywood Hills, so I think that you would
- 16 maintain the corridor of Pasadena Glendale Burbank, and
- 17 if you had to take off a little bit, there is a point
- 18 there maybe based on testimony or geography where the
- 19 economic base starts to merge more into that western
- 20 part, so to shave off of Burbank.
- 21 CHAIRPERSON GALAMBOS MALLOY: Okay, thank you.
- MS. HENDERSON: We had an additional question
- 23 just to try to get some guidance for us, for moving
- 24 forward. If we are looking at trying to put together the
- 25 Pasadena with Glendale and Burbank, are there any

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- 2 a location where that would be directed, if there were to
- 3 be a split in Pasadena or Altadena?
- 4 CHAIRPERSON GALAMBOS MALLOY: Commissioners?
- 5 Commissioner Raya.
- 6 COMMISSIONER RAYA: I think that's problematic
- 7 and it actually makes me think about, still looking at
- 8 that whole Foothill region, and I am trying to get my
- 9 head around all the numbers, but you know, La Crescenta,
- 10 Montrose, that area is one of the gateways to the
- 11 mountains, so it just seems like, you know, the bits and
- 12 pieces are kind of all over here. I'm not sure how you're
- 13 going to bring them together, but I think the Pasadena --
- 14 Glendale, Burbank, Pasadena is very important. Pasadena,
- 15 Altadena have very close ties. And I just don't know
- 16 where you would draw a line to split those cities that
- 17 would make any sense.
- 18 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao.
- 19 COMMISSIONER YAO: As far as the Foothill
- 20 District is concerned, I think trying to tie all the way
- 21 from the east county line, all the way past Pasadena,
- 22 just because they are touching the national forest, is
- 23 probably not the ideal configuration. There are
- 24 sufficient cities on the east side, including cities like
- 25 Covina, West Covina, Azusa, Irwindale, that touches the

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- 2 bridging from city to city in terms of trying to create
- 3 what we call a Foothill District. So, if we try to make
- 4 a break on the Foothills District, maybe separating it
- 5 from the east side, and then also on the west side,
- 6 because rarely do people go into the Foothills from the
- 7 west side and connect to the east side, even though it's
- 8 a national forest. That may allow the Mappers a little
- 9 more flexibility in terms of coming with [quote unquote]
- 10 a "Foothill District." So, if we free up the necessary
- 11 to make connections in the Foothills District, I think
- 12 that would offer the Mappers a lot more flexibility in
- 13 terms of what to do with the east and part of the Los
- 14 Angeles Foothills cities.
- 15 CHAIRPERSON GALAMBOS MALLOY: Commissioner, I do
- 16 just want to note that we have over 20 Assembly Districts
- 17 to get through with each Mapper before we get to Senate
- 18 and Congressional Districts, so I do want to note that
- 19 we're a half hour into our deliberations and we're only
- 20 on our third map, total. So, Ms. Henderson, do you have
- 21 further clarifications? We now have a concept of a
- 22 second iteration of the Foothills District that might
- 23 actually take the form of two Foothill Districts, one
- 24 that would be an eastern and one that would be a western,
- 25 and it might allow for greater flexibility with, for

- 1 example, not having to split Altadena and Pasadena.
- 2 MS. HENDERSON: Okay, and I just want to
- 3 reiterate what I said before, that there are potential
- 4 VRA districts immediately to the south of the current
- 5 Foothills District, and so are those things that we
- 6 should try to maintain?
- 7 CHAIRPERSON GALAMBOS MALLOY: Yes.
- 8 MS. HENDERSON: Okay, thank you.
- 9 COMMISSIONER FILKINS WEBBER: Chair, I'm sorry, I
- 10 just have one --
- 11 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 12 Filkins Webber.
- 13 COMMISSIONR FILKINS WEBBER: Just one more
- 14 statement because it's very important. Commissioner Raya
- 15 is correct, you know, one of the largest fires that
- 16 occurred in Southern California, Los Angeles County
- 17 history, was in La Canada Flintridge, and now that I'm
- 18 looking at this even closer, they're not tied to the
- 19 Foothills, they're in the Foothills. So, unlike maybe
- 20 some of the other communities like Monrovia, which do
- 21 include some of the Foothills, but La Canada, Flintridge,
- 22 and La Crescenta are the Foothills, and they're not part
- 23 of that Foothill District, so we might wish to consider
- 24 that they've had significant fire issues from that entire
- 25 fire there, and we should and I think we received some

- 1 COI and public comment on that issue, so if we were
- 2 reworking the numbers and looking at this Foothill
- 3 District to the west, we might consider their interest in
- 4 being part of that Foothill District.
- 5 CHAIRPERSON GALAMBOS MALLOY: Any further
- 6 clarifications, Q2? All right, sounds good. Let's move
- 7 along.
- 8 MS. HENDERSON: Okay, so since we're in this
- 9 area, let's go ahead and, on your handouts it is page 20,
- 10 let's look at the District called Covina. It's green on
- 11 your handout, it's yellow on the screen here. So this
- 12 includes it's one of the districts that is immediately
- 13 south and adjacent to the Foothill District we were just
- 14 discussing. It includes Baldwin Park, Covina, Charter
- 15 Oak, Irwindale, South Monrovia Island, it also includes
- 16 part of Azusa, Glendora, Duarte, part of West Covina, and
- 17 part of Monrovia. This is a district that is a potential
- 18 VRA district, it has a Latino CVAP of 55.11 percent,
- 19 Black CVAP of 4.61 percent, and Asian CVAP of 11.97
- 20 percent.
- 21 CHAIRPERSON GALAMBOS MALLOY: Commissioners?
- 22 COMMISSIONER FILKINS WEBBER: I'm sorry, which
- 23 color on the screen? Because I didn't see any numbers on
- 24 page 20.
- 25 MS. HENDERSON: It's yellow. And it's on page 20

- 1 in the handouts.
- 2 COMMISSIONER FILKINS WEBBER: So on the handout,
- 3 it has 55 percent.
- 4 MS. HENDERSON: Yeah, the handout was it's
- 5 rounded numbers.
- 6 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 7 Ancheta.
- 8 COMMISSIONER ANCHETA: Could you repeat the city
- 9 splits, or give me the city splits?
- MS. HENDERSON: Sure, just a moment.
- MS. BOYLE: Part of Arcadia, part of Azusa, part
- 12 of Duarte, part of El Monte, part of Glendora, part of
- 13 Industry, part of Mayflower Village, part of Monrovia,
- 14 part of West Covina.
- MS. HENDERSON: Yeah, a lot of the splits are due
- 16 to the north of this district, are due to the direction
- 17 about splitting for the Foothill District accommodation,
- 18 and to the west is the neighboring potential Voting
- 19 Rights Act district that is majority Asian CVAP.
- 20 CHAIRPERSON GALAMBOS MALLOY: Questions or
- 21 direction on this particular district? Commissioner
- 22 Ward.
- 23 COMMISSIONER WARD: I think this was one of the
- 24 districts I think I'd asked in Northridge if we'd been
- 25 able to create a visualization on, based on the

- 1 Californians [Inaudible] for Jobs, District 52, their
- 2 submission. It had about the same CVAP, but it looks
- 3 like fewer city splits, and I just didn't know if we were
- 4 able to prepare that, or if that took this into
- 5 consideration.
- 6 MS. HENDERSON: Yeah, I don't believe that we got
- 7 that direction. I apologize. Can you repeat the group
- 8 so we can --
- 9 COMMISSIONER WARD: Yeah, the California
- 10 Institute for Jobs, Economy and Education --
- MS. HENDERSON: Yeah, definitely.
- 12 COMMISSIONER WARD: -- District 52 is what they
- 13 labeled it on their submission.
- MS. HENDERSON: Okay, thank you.
- 15 COMMISSIONER DI GUILIO: Commissioner Ward, could
- 16 you just for clarification for those of us who don't have
- 17 it, what aspects of that visualization that you're
- 18 referring to do you see different than this, that you
- 19 could give some suggestions to?
- 20 COMMISSIONER WARD: Well, it's a little hard to
- 21 tell from where I sit, but it looks like Hacienda Heights
- 22 is, from what I can see on the screen, is picked up on
- 23 District 52 here, and it's hard for me to tell what's
- 24 trimmed I can't see the city boundaries, but it makes
- 25 more whole cities with the same basic configuration.

1	VICE CHAIRMAN ONTAI: One minute.
2	MS. HENDERSON: Yeah, we'll look at that and just
3	so the Commissioners know, when we have looked at
4	districts, or plans or districts that are submitted by
5	other groups, it's always as if a Commissioner directs us
6	to do it.
7	CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.
8	COMMISSIONER DAI: Yeah, I was just going to
9	comment, I think it picks up Hacienda Heights and Avocado
10	Heights, and so it probably brings everything down and
11	keeps the cities above whole, I'm imagining what's
12	happening here.
13	CHAIRPERSON GALAMBOS MALLOY: Any further
14	direction for Q2?
15	COMMISSIONER DI GUILIO: I just want to make
16	sure, what was the direction? Should we include the
17	Hacienda Heights? Is that what we'd like to do?
18	CHAIRPERSON GALAMBOS MALLOY: It sounded like
19	there was an interest in trying to preserve more whole
20	cities and that one avenue to do that may be trying to
21	look at the California Institute's version of this
22	district, which would drop farther south, pick up
23	potentially Avocado Heights, Hacienda Heights, and might
24	allow for a greater integrity of the Foothills Cities in
25	addition to the cities within this district. Is that a

- 1 fair summary? Okay. All right, let's move to the next
- 2 District.
- 3 MS. HENDERSON: Okay, so we're going to move to
- 4 the west, to the other district that is kind of in this
- 5 area, West San Gabriel Valley. That's the one I was just
- 6 referring to. This is a potential Voting Rights Act
- 7 District, it has a Latino CVAP of 27 percent -
- 8 VICE CHAIRMAN ONTAI: Page number?
- 9 MS. HENDERSON: It's the same page. An Asian
- 10 CVAP of 50 percent, or 50.17 to be exact, this includes
- 11 the Cities of San Gabriel, Alhambra, part of South
- 12 Pasadena, we'll give you the cities in just a second. I
- 13 can tell you it also includes Monterey Park, South San
- 14 Gabriel, Rosemead, Temple City, North Del Monte --
- 15 COMMISSIONER DI GUILIO: Since this is a
- 16 potential Section 2, can you show me -- yesterday we had
- 17 a map that showed where the API community is in this
- 18 district.
- 19 CHAIRPERSON GALAMBOS MALLOY: The population
- 20 density map.
- 21 COMMISSIONER DI GUILIO: Thank you.
- MS. HENDERSON: It's going to take us just a
- 23 moment.
- 24 CHAIRPERSON GALAMBOS MALLOY: Other questions or
- 25 comments regarding this district?

1	COMMISSIONER ANCHETA:	Are you going to give us
2	the splits at some point?	

- 3 MS. HENDERSON: Yeah.
- 4 CHAIRPERSON GALAMBOS MALLOY: It may be helpful
- 5 for the purposes of time to assume that, on every
- 6 district, the Commission has an interest in getting a
- 7 summary of the city splits.
- 8 MS. HENDERSON: Yeah, we were just trying to find
- 9 it on our piece of paper. Okay, the cities that are
- 10 split are Arcadia, East Pasadena, El Monte, Mayflower
- 11 Village, Montello, San Marino, South El Monte, South
- 12 Pasadena.
- 13 COMMISSIONER DI GUILIO: Could we also -- maybe I
- 14 could just check with other Commissioners, but was
- 15 potential Section 2 districts that we maybe see this map,
- 16 for whoever the Section 2 community is Latino or API?
- 17 Just so we can see the context of what maneuverability we
- 18 have in that district.
- MS. HENDERSON: Great.
- 20 CHAIRPERSON GALAMBOS MALLOY: Yes.
- MS. HENDERSON: So the bright red here is 55
- 22 percent to 100 percent, and the next to most bright red
- 23 is 50 percent to 55 percent, so this is showing a
- 24 significant concentration of Asian Voting Age Citizens.
- 25 COMMISSIONER DI GUILIO: And could you overlay

- 1 the district map on top of that?
- 2 MS. HENDERSON: The yeah the boundary, it's
- 3 the black line, but now we've filled it in, so now it
- 4 looks kind of like it's been holding its breath.
- 5 CHAIRPERSON GALAMBOS MALLOY: Commissioner Yao.
- 6 COMMISSIONER YAO: Cities like San Marino, it's
- 7 got a population between, from my recollection, 10,000
- 8 and 20,000 people, and we find it necessary to split
- 9 cities like that?
- 10 VICE CHAIRMAN ONTAI: Five minutes.
- MS. HENDERSON: San Marino is not split in this
- 12 district, actually, so we just -- there is a tiny little
- 13 bit right there that is split.
- 14 CHAIRPERSON GALAMBOS MALLOY: Do we have any
- 15 guidance for Q2 in regards to this district?
- 16 Commissioner Forbes.
- 17 COMMISSIONER FORBES: Just a thought, was that
- 18 we're short 4,300 people, which is more than -- that's
- 19 outside of our tolerance level of one percent. I don't
- 20 know where you can pick up here on the bottom right-hand
- 21 corner there's those two fingers that stick down, it's a
- 22 very uneven -- what should I say -- diagram, whether they
- 23 can be picked up there without hurting that --
- 24 COMMISSIONER BARABBA: I think that's El Monte.
- MS. HENDERSON: So, yeah -

- 1 COMMISSIONER FORBES: Is that just where the
- 2 boundary is?
- 3 MS. HENDERSON: That's right, yeah, that's the
- 4 boundary, the dark --
- 5 COMMISSIONER FORBES: That is a very strange
- 6 boundary.
- 7 COMMISSIONER BARABBA: Isn't that the City of El
- 8 Monte?
- 9 MS. BOYLE: The fingers are going into South El
- 10 Monte. Some of it could be cleaned up a little bit.
- 11 COMMISSIONER FORBES: They're in South El Monte,
- 12 those fingers, so that city is already split, then, at
- 13 that point, so you could pick up some people in there.
- MS. BOYLE: That's right. It would bring the
- 15 CVAP down a little bit. I just -- as long as you're okay
- 16 with that, I'm okay with it.
- 17 CHAIRPERSON GALAMBOS MALLOY: So it sounded a
- 18 little like there was some suggestion that if you need to
- 19 pick up population, that this might be the area you go
- 20 and it might serve a dual purpose to clean up some of the
- 21 fingers. Commissioner Yao.
- 22 COMMISSIONER YAO: Previously, I thought we split
- 23 up El Monte to pick up the Latino population for the San
- 24 Gabriel Valley District, and I find that's not the case,
- 25 it's going into the Whittier Pico Rivera, so I guess my

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- 2 MS. HENDERSON: It's where the Asian American
- 3 Community is in that portion of El Monte.
- 4 CHAIRPERSON GALAMBOS MALLOY: Last comment from
- 5 Commissioner Filkins Webber.
- 6 COMMISSIONER FILKINS WEBBER: It does look -- you
- 7 do have that color coding and it looks like there are
- 8 darker areas that include the Asian populations that are
- 9 not included in this district, but are contiguous --
- 10 right there, correct. And probably that whole area, you
- 11 probably could clean it up, you also probably consider
- 12 taking down the CVAP numbers from Whittier Pico which are
- 13 pretty high, so I'm not certain, given that you're going
- 14 to add in some more people, you're also still adding --
- 15 you need to add population, excuse me, and it looks like
- 16 if you include the rest of El Monte right there, that
- 17 you're going to include Asians, or the API group, and you
- 18 might take a little bit from the CVAP numbers for the
- 19 Latinos in the Whittier Pico, but not too much because
- 20 that's already really high at 61, so if you could just
- 21 balance that out, I think we can probably look for an
- 22 alternative where you could pick up additional population
- 23 and, more than likely, based on the color coding we see
- 24 here, it may not significantly impact the numbers for the
- 25 API community, nor will it affect the Latinos potential

- 1 Section 2 in the Whittier Pico, but just for further
- 2 direction. Because those fingers look odd, and even if
- 3 they are the city boundary, so that would be my
- 4 recommendation.
- 5 CHAIRPERSON GALAMBOS MALLOY: Well, I think we've
- 6 been fairly clear. Any clarifications regarding the
- 7 direction we've given? Okay, which district would you
- 8 like us to turn to next, and which page number?
- 9 MS. HENDERSON: Let's stay on this page and we'll
- 10 go to the district that is immediately below the Whittier
- 11 Pico Rivera, and we're going to go ahead and put up the
- 12 Latino CVAP distribution. This is another potential
- 13 Section 2 district, the Latino CVAP is 60.66 percent,
- 14 Black CVAP is 1.22 percent, and Asian CVAP is 10.94
- 15 percent. It includes most of Montebello, Pico Rivera,
- 16 South Whittier, Whittier, La Mirada, Hacienda Heights,
- 17 Rose Hills, Avocado Heights, part of South El Monte, and
- 18 currently part of El Monte.
- 19 CHAIRPERSON GALAMBOS MALLOY: Questions from the
- 20 Commission?
- MS. HENDERSON: And I can give you the city
- 22 splits. El Monte, Industry, Montebello, Pico Rivera,
- 23 South El Monte.
- 24 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 25 Filkins Webber.

1	COMMISSIONER FILKINS WEBBER: I know you were
2	working on that corner there in El Monte and South El
3	Monte, Nicole, and I was wondering if you had some idea
4	on the numbers because we're 7,800 people over on this
5	district, so we do need to probably take out some people.
6	So, if we were looking at cleaning up that corner there,
7	do you think you can find a balance, I guess, between
8	those two districts without probably significantly
9	impacting the CVAP numbers for the Latinos or the API
10	Community in both of them? I guess the issue comes down
11	to, how did you draw it like this, but yet the population
12	is so different, unless you really saw that there was a
13	problem?
14	MS. BOYLE: Right. I decided to leave it at the
15	above 50 percent CVAP and to get further direction on
16	where you wanted to add population, which it looks like I
17	got what I wanted, however, the population can trade
18	across there. I have extra people in my region and I
19	need to discuss it with the other Mappers. I believe
20	some people are going to need to flow out of my region,
21	and the boundary that so, yeah so this boundary can
22	come down and I can pick up thousands of people from this
23	district, I can trade that 4,000 across this border, for
24	sure. And it may bring the CVAP below that 50 percent
25	mark, but I can pick up the population between these two
	18

1	districts
1	districts

- 2 COMMISSIONER FILKINS WEBBER: When you say you
- 3 mean the API CVAP for the West San Gabriel?
- 4 MS. BOYLE: The Latino CVAP will be fine in the
- 5 neighboring districts. What you'll see is this Pico
- 6 Rivera is split right now, so there will probably be some
- 7 reconfiguration along that boundary, or possibly out
- 8 here, unless we flow the population up through Ventura.
- 9 CHAIRPERSON GALAMBOS MALLOY: Commissioner Dai.
- 10 COMMISSIONER DAI: Yeah, I mean, I think
- 11 Commissioner Filkins Webber has a good approach here. I
- 12 do recall our VRA counsel's suggestion that, since CVAP
- 13 is such an unreliable number to start with, this falls
- 14 within a couple percentage points, that we still want to
- 15 look into them as potential Section 2s, so if you end up
- 16 at 49.9 percent instead, you know, I don't think that's
- 17 going to be make a big difference in our analysis.
- 18 COMMISSIONER FILKINS WEBBER: Didn't he say
- 19 something like 48.8, Commissioner Ancheta, because I
- 20 don't know where that number seems to ring a bell, but --
- 21 COMMISSIONER ANCHETA: You know, I think it's
- 22 really a best -- we may want to be more rigorous about it
- 23 at some point, but I think it's a best guess plus or
- 24 minus 50, you know, plus or minus a certain percentage
- 25 around 50, but I don't know if it's 1.5 or what it should

- 1 be.
- 2 CHAIRPERSON GALAMBOS MALLOY: I remember that he
- 3 had said off the cuff "two" as a first pass --
- 4 COMMISSIONER ANCHETA: Off the cuff.
- 5 CHAIRPERSON GALAMBOS MALLOY: Off the cuff. Any
- 6 direction regarding this district?
- 7 COMMISSIONER YAO: That's the same comment I
- 8 have, for example, City of Industry, there are very few
- 9 residents there and yet we split the city and --
- MS. HENDERSON: That was for purposes of a
- 11 neighboring district, the Walnut Diamond Bar La Habra
- 12 Heights COI testimony that we heard, a significant amount
- 13 of that when we were in San Gabriel. They needed that
- 14 part of City of Industry --
- VICE CHAIRMAN ONTAI: One minute.
- 16 MS. HENDERSON: -- to join that COI Walnut and
- 17 Diamond Bar.
- 18 CHAIRPERSON GALAMBOS MALLOY: I would invite some
- 19 direction for Q2 on this district.
- 20 COMMISSIONER FILKINS WEBBER: I thought that was
- 21 it, where we talked about working on that corner.
- 22 CHAIRPERSON GALAMBOS MALLOY: Okay, excellent.
- COMMISSIONER DI GUILIO: Q2 doesn't need any from
- 24 us on this, do you? I mean --
- 25 CHAIRPERSON GALAMBOS MALLOY: We direct you to

- 1 lose some population. Let's move to the next district.
- MS. HENDERSON: Okay, so let's stay on the same
- 3 page 20, and we're going to head south to the Downey
- 4 Norwalk District, which needs to be -- it is also a
- 5 potential Section 2 District, it includes Florence-
- 6 Graham, Walnut Park, Bell Gardens, Norwalk, parts of
- 7 Downey, Santa Fe Springs, Cerritos sorry, for a minute
- 8 I thought I was on the wrong district -- Artesia, and
- 9 Cerritos again. The Latino CVAP is 61.56, the Black CVAP
- 10 is 5.89 percent, and the Asian CVAP is 15.23 percent.
- 11 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 12 Parvenu, then Blanco, then Di Guilio.
- 13 COMMISSIONER PARVENU: It appears that if you
- 14 need to lose about 5,000 from this area, I would
- 15 recommend that you look far west, by the Florence
- 16 Firestone area -- far west from this district, that
- 17 elongated section, yeah, to move it to the east.
- 18 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 19 Blanco.
- 20 COMMISSIONER BLANCO: Well, sort of a similar
- 21 comment, but I know sometimes we've been looking at the
- 22 maps with a fresh eye and just thinking, "What will the
- 23 public think about that shape?" Right? So, I'm looking
- 24 at this and I'm looking at the adjacent Southgate
- 25 Lakewood District, which I think you will next tell us

1	that	that	is	also	potential	Section	2	District	and T'm
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- 2 thinking why not sort of, you know, make that neater and
- 3 still keep those in both of those, the CVAP; in other
- 4 words, take the top part of -- sort of split the
- 5 Southgate one in half, north-south, and then put the
- 6 bottom Norwalk Cerritos in with the Bell Flower Lakewood.
- 7 I'm just curious what the thinking of that was, if that
- 8 was COI or, you know, just almost for aesthetic reasons.
- 9 MS. BOYLE: It was both COI and it was both
- 10 Commission direction, a combination, that does this, has
- 11 a very high CVAP. I think it was above 80 percent, and
- 12 then this combination is very low, it's a wobbler, it's
- 13 around 49-50 percent.
- 14 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 15 Guilio.
- 16 COMMISSIONER DI GUILIO: Well, that was kind of
- 17 my question, was to say, not being from the area
- 18 necessarily, but just looking at that, you can kind of
- 19 see it's one "L" and an upside down "L." But instead of
- 20 splitting it east-west, maybe you were talking about can
- 21 you do it north-south, you'd have a high concentration on
- 22 the west and a high, a little bit lower, on the east.
- 23 Would that be possible? And, again, this is just because
- 24 we're looking at -- in my mind, it's simply because I'm
- 25 looking for compactness as something that looks like it's

- 1 not quite so elongated. Now, there may be public
- 2 testimony that we get after this that say, "No, we really
- 3 have identified areas in different ways," but I'm just
- 4 wondering, could we do it in terms of potential Section 2
- 5 on the north-south basis?
- 6 MS. HENDERSON: So, just in case -- I know the
- 7 legend is a little bit hard to see and the legend on this
- 8 one is actually different than the last one, so the
- 9 bright red areas here are 65 percent or above, so 65
- 10 percent to 100 percent Latino CVAP tracks. So, over on
- 11 the Walnut Park Southgate area, it's very very high
- 12 concentration, you end up with a district that's very
- 13 high.
- MS. BOYLE: One option would be to draw this
- 15 district in the Northern Long Beach and to do some
- 16 reconfiguration up here. I had a really tough time with
- 17 this area.
- 18 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 19 Forbes.
- 20 MS. BOYLE: That is how come all the population
- 21 that is extra is actually in this area.
- 22 COMMISSIONER FORBES: I was just looking at the
- 23 duck bill in the middle of Commerce. I mean, again, I'm
- 24 looking at it as a citizen looking at this map, that's a
- 25 very odd is that the freeway? It's to the west of that

- 1 -- there, right there.
- MS. HENDERSON: That's the City of Bell.
- 3 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 4 Barabba, then Filkins Webber.
- 5 MS. HENDERSON: So, that's the City of Bell, the
- 6 part that is highlighted in the turquoise color now, it
- 7 shows that Bell has a unique shape, and that's actually
- 8 -- it's not just the duck bill, but the whole duck
- 9 underneath. So, the question would be, would this be a
- 10 place to split the city? Or is respecting the city, you
- 11 know, what would the Commission want to do in this
- 12 situation?
- 13 CHAIRPERSON GALAMBOS MALLOY: Commissioner
- 14 Barabba and then Filkins Webber.
- 15 COMMISSIONER BARABBA: Of all the things that
- 16 we're going to have to explain, it's easier to explain a
- 17 funny looking district than splitting a city, I think,
- 18 and so, to the extent to which we could stay with our
- 19 criteria that's been laid out, if we get a little heat
- 20 because it looks a little funny, at least we have an
- 21 explanation for it. The second thing I would point out,
- 22 I don't know what the expense would be, but if we are
- 23 going to have a meeting in here next week, we ought to
- 24 see what it would cost to get a much larger screen, that
- 25 would really be helpful, I think, in the display of this

- 1 information because I know, when we were in Northridge,
- 2 the screen was a lot easier to take a look at.
- 3 CHAIRPERSON GALAMBOS MALLOY: Point well taken.
- 4 We'll task the incoming Chair with exploring those
- 5 options. I have quite a long stack. So, I will take
- 6 Commissioner Filkins Webber and Commissioner Yao, and
- 7 then we'll take stock of where we're at.
- 8 COMMISSIONER FILKINS WEBBER: I'm really
- 9 concerned with this -- with both districts you have up
- 10 here. Unlike what we've seen before, I really think that
- 11 this is one that Mr. Brown and Mr. Kolkey may need to
- 12 look at. You have a very high concentration of one
- 13 group, and we obviously have concerns about what we've
- 14 received significant training on in cracking and packing,
- 15 and this really concerns me, you've got the line
- 16 separating those two districts which, to me, seem --
- 17 actually all three districts -- Whittier, Pico, this
- 18 district in the middle where we're looking at, and the
- 19 one on the bottom. And so I would almost hesitate a
- 20 little bit about -- we're saying to clean it up here, but
- 21 my instincts are telling me I'd like really to have Mr.
- 22 Brown really look at this and see what we're doing here
- 23 because we are splitting three distinct areas and
- 24 creating three separate districts, and I'm not certain
- 25 what his opinion would be on this because we've talked

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- 2 compact area, but yet we're dividing it into three
- 3 districts, and I'm not certain what his opinion would be
- 4 legally on this.
- 5 CHAIRPERSON GALAMBOS MALLOY: So, for our note-
- 6 takers and Mr. Miller, if we could make a note of this
- 7 district, I think there is significant enough questions
- 8 about it that we may not be clear on what our direction
- 9 would be to Q2 at this time.
- 10 COMMISSIONER FILKINS WEBBER: So I guess they
- 11 would be identified as the Whittier Pico, the Downey
- 12 Norwalk and Southgate and that concentration in those
- 13 three and how they flow together.
- 14 CHAIRPERSON GALAMBOS MALLOY: Yes. Commissioner
- 15 Dai and then Parvenu.
- 16 COMMISSIONER DAI: I mean, don't we also have a
- 17 problem with the downtown Boyle Heights one, as well? The
- 18 one right above.
- 19 CHAIRPERSON GALAMBOS MALLOY: The duck bill?
- 20 COMMISSIONER DAI: The one where the duck is
- 21 sticking, where the bill is. Yeah, I mean, I think it's
- 22 actually multiple districts that are all packed in here
- 23 together and it looks like Ms. Boyle did her best bet to
- 24 kind of even out the CVAPs a little bit within our COI
- 25 testimony, so I imagine Mr. Brown will be commenting on

- 1 this.
- 2 CHAIRPERSON GALAMBOS MALLOY: Commissioners
- 3 Parvenu and then Di Guilio.
- 4 COMMISSIONER PARVENU: Just an afterthought. One
- 5 of the reasons for if I recall, this duck bill is a
- 6 manufacturing zone for Commerce and it's a very important
- 7 part of their Chamber of Commerce and their other
- 8 activities, but I see a good potential here if these two
- 9 are nested at some point later with the district to the
- 10 south, because those communities of cities make -- that's
- 11 a very good mix with that cluster.
- 12 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 13 Guilio.
- 14 COMMISSIONER DI GUILIO: I'm just going back to
- 15 the issue with talking with our legal attorneys, I just
- 16 didn't know, have they already had a chance to look at
- 17 this? Or, did what you do -- was it based on their
- 18 recommendations to some degree? Or --
- 19 MS. HENDERSON: We had a discussion with them
- 20 about this area and how the Latino population is so
- 21 concentrated that some of the first iterations we had had
- 22 some districts that had much higher concentrations than
- 23 these, and so this was an attempt to unpack those
- 24 districts.
- 25 COMMISSIONER DI GUILIO: Okay, so it kind of goes

1	back	to	our	discussion		I	quess	I'	m	just	curious	what
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- 2 -- if we're asking Gibson, Dunn, then, to comment on
- 3 these, what you did here was based on their
- 4 recommendation to try and unpack them?
- 5 MS. HENDERSON: And Commission direction, yes.
- 6 COMMISSIONER DI GUILIO: And Commission
- 7 direction, okay. Because I guess I'm still just kind of
- 8 stuck on to what extent, when you have a very
- 9 concentrated amount of any one group, where we're going
- 10 to -- where we as a Commission -- or, both we as a
- 11 Commission, as a decision, and as our legal guidance, how
- 12 much are we going to try and unpack them into districts
- 13 that are kind of not really compact, or have some other
- 14 issues vs. having a little more compact districts just
- 15 because the population is where it is, you know, you
- 16 can't reach out so far to stretch just -- to dilute the
- 17 population. So, I quess I just haven't been clear where
- 18 us as a commission in consultation with our VRA have made
- 19 a decision about packing vs. unpacking, or where we see
- 20 that line.
- 21 CHAIRPERSON GALAMBOS MALLOY: Well, if I may
- 22 interject, all of the visualizations that we're seeing
- 23 here today have been provided to Gibson, Dunn & Crutcher,
- 24 they have been analyzing them. Mr. Brown will be joining
- 25 us by phone at 3:00 p.m., and this may be one of the

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- 2 time. And in addition, our VRA counsel is available next
- 3 week as we continue to move through this last push
- 4 towards the first draft maps. Commissioner Blanco, and
- 5 then I'm going to take the liberty of moving us along.
- 6 COMMISSIONER BLANCO: I was just curious about
- 7 looking at the density map for what's here, Whittier,
- 8 Pico Rivera, with an eye towards seeing what the
- 9 population looks down in that Whittier La Mirada corner,
- 10 southern corner.
- 11 MS. HENDERSON: Would you like us to zoom in on
- 12 that area for you?
- 13 COMMISSIONER BLANCO: Uh huh. Or out. It's more
- 14 a question of seeing what the population -
- MS. HENDERSON: Oh, nearby, okay.
- 16 COMMISSIONER BLANCO: You know, density in that
- 17 Whittier La Mirada, I'm just again trying to figure out
- 18 how these things fit together in a way where we could -
- 19 since some of these are [quote unquote] "packed," what
- 20 would happen if you played around a little bit with some
- 21 of those corners, so I just wanted to see what the
- 22 density there was. So it's a lot -- that's the light, so
- 23 what percentages are those in the Whittier La Mirada?
- MS. BOYLE: Okay, so those areas, they're between
- 25 30 and 40 percent VAP or CVAP, or 25-35 percent CVAP,

- 1 Latino CVAP.
- 2 COMMISSIONER BLANCO: Yep.
- 3 MS. BOYLE: And I'm right up against the Orange
- 4 County border in this case, and going any further south
- 5 would make the districts longer.
- 6 COMMISSIONER BLANCO: No, I was thinking about
- 7 whether that could go west and, again, this
- 8 reconfiguration where that goes with Norwalk Cerritos,
- 9 I'm just trying to --
- 10 CHAIRPERSON GALAMBOS MALLOY: So what we'd like
- 11 to do for this time is flag this cluster of districts
- 12 further consideration by our VRA attorney. I would like
- 13 to see, is it possible for us to look at one additional
- 14 district before we take a brief break to patch Mr. Brown
- 15 in. What we would like to do is flag these districts for
- 16 further consideration and consultation with our VRA
- 17 attorney, and if we can direct our attention to one
- 18 additional district before we break to patch Mr. Brown
- 19 into the meeting.
- MS. HENDERSON: Okay, sure.
- 21 COMMISSIONER YAO: Chair Malloy, I need to make
- 22 one more comment just before we leave. The City of
- 23 Cerritos identify themselves more with the North Orange
- 24 County cities and putting them in a district combining
- 25 them with Bell and Downey, I think, is probably just

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- 2 consider -- I'm not sure they're listening, so ...
- 3 MS. HENDERSON: Yeah, so for we weren't
- 4 crossing Orange County border here due to previous
- 5 direction.
- 6 COMMISSIONER YAO: But you were crossing it a
- 7 number of times in the other districts, so I don't
- 8 understand why this is a restriction. In other words, I
- 9 think Cerritos, if you look at the community of interest,
- 10 totally identify themselves with North Orange County as
- 11 compared to Southeast Los Angeles. So, by forcing that
- 12 connection, it's just going to be totally out of
- 13 character.
- 14 CHAIRPERSON GALAMBOS MALLOY: I think there were
- 15 specific areas of the Orange County border in which we
- 16 allowed Q2 the flexibility to cross the border, there
- 17 were others where we did not make that allowance, and so
- 18 that this is a good time to hear that testimony so that
- 19 frees them up to have more flexibility along the Orange
- 20 County border in specified areas.
- 21 COMMISSIONER DAI: And specifically, that was in
- 22 the Palma with Artesia and Cerritos.
- MS. HENDERSON: That is correct.
- 24 COMMISSIONER FILKINS WEBBER: Correct, because
- 25 the question was asked specifically where you could cross

- 1 that boundary and, as we went up from the coast, up
- 2 through Long Beach, and we went all the way across Seal
- 3 Beach, we said no. And then, as we went up, this was the
- 4 only exception, as well as possibly La Habra, but this
- 5 was the only exception where we said this would be okay
- 6 to cross, so this is a little inconsistent with the
- 7 direction that I think the Commission gave, even though
- 8 they might have been conflicting a little bit, maybe a
- 9 misunderstanding, you know, we said we didn't want to
- 10 cross that county. But I think that this is consistent
- 11 with the COI. So, and there was the high API South Asian
- 12 community in that area, especially Artesia and Little
- 13 India, and that went with more the La Palma, so I think
- 14 this is just one exception in not crossing the county
- 15 lines that we had talked about before. So, I would like
- 16 to see, when we discuss this with Mr. Brown, we give some
- 17 due consideration there, and maybe looking at the
- 18 population because then you might spread it out among
- 19 these other districts when we pull out the Asian or the
- 20 API community there.
- 21 CHAIRPERSON GALAMBOS MALLOY: Commissioners, I
- 22 actually -- keeping an eye on the time, I think that it
- 23 would be a better use of our time to do two things, one
- 24 is to move to a break so that we can be poised to
- 25 commence with Mr. Brown exactly around 3:00; the second

- 1 is I would like to take an informal poll. As you can
- 2 see, this area that we're working in today is, I think,
- 3 exponentially more complex than the area that we were
- 4 working on yesterday. We are working towards a very firm
- 5 deadline to release draft maps on the 10^{th} . I know that
- 6 Commissioners had hoped to adjourn by 6:00, I want to see
- 7 if the meeting could be extended later into the evening,
- 8 for example, if we actually went until 8:00 or 9:00 this
- 9 evening, could I get a show of hands of how many
- 10 Commissioners would be available to stay that late? Ten.
- 11 COMMISSIONER RAYA: I think the point is that
- 12 we're all willing to stay and work, but obviously that's
- 13 a huge shift in our travel plans and we'd all have to get
- 14 a room. So, you know, it's not -- I mean, I think
- 15 everybody is willing.
- 16 CHAIRPERSON GALAMBOS MALLOY: Commissioner Di
- 17 Guilio.
- 18 COMMISSIONER DI GUILIO: I know you as a Chair
- 19 feel like we are behind schedule, but I might just say
- 20 that a lot of the details that we're working on now will
- 21 carry over to the Assembly -- or to the Senate, probably,
- 22 and maybe to some degree Congressional, so I think we're
- 23 putting a little time up front here because it's going to
- 24 be a little thicker, and it might move faster toward the
- 25 end of the process, that's just a suggestion about how

- 1 we're a chance I'm going to be glass half full.
- 2 CHAIRPERSON GALAMBOS MALLOY: Even with that,
- 3 just to put it in perspective, we've given direction a
- 4 solid direction on roughly a handful of districts out of
- 5 the 40 plus districts, Assembly Districts, that our
- 6 Mappers currently have to deal with. So, my concern as
- 7 Chair is to try and make sure we make enough headway
- 8 today, that we actually have a realistic long day's worth
- 9 of work when we come back together on Tuesday, and that
- 10 we're still positioned to meet our deadline, that I think
- 11 we've agreed as a Commission is not flexible in any way,
- 12 shape, or form. So, with that, what I would like to do,
- 13 actually, is to take a slightly longer break,
- 14 Commissioners should operate under the assumption that we
- 15 are going to go late this evening, and to whatever extent
- 16 you're able to extend your travel plans to stay here, it
- 17 appears that we will have a quorum to continue line
- 18 drawing. So, let's say that we will come back at ten
- 19 after, let's take about a 20-minute break to allow for
- 20 flight plans, hotel plans, and in the mean time, I can
- 21 have Mr. Miller work to contact George Brown and have him
- 22 ready to go. So, with that, we will go on recess until
- 23 ten after 3:00.
- 24 (Recess at 2:53 p.m.)
- 25 (Reconvene at 3:14 p.m.)